

103^D CONGRESS
1ST SESSION

H. R. 2150

AMENDMENT

In the Senate of the United States,

November 22, 1993.

Resolved, That the bill from the House of Representatives (H.R. 2150) entitled “An Act to authorize appropriations for fiscal year 1994 for the United States Coast Guard, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Coast Guard Authoriza-*
3 *tion Act of 1993”.*

4 ***TITLE I—AUTHORIZATIONS***

5 ***SEC. 101. AUTHORIZATION OF APPROPRIATIONS.***

6 *Funds are authorized to be appropriated for necessary*
7 *expenses of the Coast Guard for fiscal year 1994, as follows:*

8 *(1) For the operation and maintenance of the*
9 *Coast Guard, \$2,612,552,200, of which \$25,000,000*
10 *shall be derived from the Oil Spill Liability Trust*
11 *Fund, and of which \$35,000,000 shall be expended*
12 *from the Boat Safety Account.*

13 *(2) For the acquisition, construction, rebuilding,*
14 *and improvement of aids to navigation, shore and off-*
15 *shore facilities, vessels, and aircraft, including equip-*
16 *ment related thereto, \$417,996,500, to remain avail-*

1 *able until expended, of which \$23,030,000 shall be de-*
2 *rived from the Oil Spill Liability Trust Fund to*
3 *carry out the purposes of section 1012(a)(5) of the Oil*
4 *Pollution Act of 1990.*

5 *(3) For research, development, test, and evalua-*
6 *tion of technologies, materials, and human factors di-*
7 *rectly relating to improving the performance of the*
8 *Coast Guard's mission in support of search and res-*
9 *cue, aids to navigation, marine safety, marine envi-*
10 *ronmental protection, enforcement of laws and trea-*
11 *ties, ice operations, and defense readiness,*
12 *\$25,000,000, to remain available until expended, of*
13 *which \$4,457,000 shall be derived from the Oil Spill*
14 *Liability Trust Fund.*

15 *(4) For retired pay (including the payment of*
16 *obligations otherwise chargeable to lapsed appropria-*
17 *tions for this purpose), payments under the Retired*
18 *Serviceman's Family Protection and Survivor Benefit*
19 *Plans, and payments for medical care of retired per-*
20 *sonnel and their dependents under chapter 55 of title*
21 *10, United States Code, \$548,774,000.*

22 *(5) For alteration or removal of bridges over*
23 *navigable waters of the United States constituting ob-*
24 *structions to navigation associated with the Bridge*

1 *Alteration Program, \$12,940,000 to remain available*
2 *until expended.*

3 *(6) For environmental compliance and restora-*
4 *tion at Coast Guard facilities, \$23,057,000, to remain*
5 *available until expended.*

6 **SEC 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
7 **AND MILITARY TRAINING.**

8 *(a) AUTHORIZED MILITARY STRENGTH LEVEL.—The*
9 *Coast Guard is authorized an end-of-year strength for ac-*
10 *tive duty personnel of 39,138 as of September 30, 1994. The*
11 *authorized strength does not include members of the Ready*
12 *Reserve called to active duty for special or emergency aug-*
13 *mentation of regular Coast Guard forces for periods of 180*
14 *days or less.*

15 *(b) AUTHORIZED LEVEL OF MILITARY TRAINING.—*
16 *For fiscal year 1994, the Coast Guard is authorized average*
17 *military training student loads as follows:*

18 *(1) For recruit and special training, 1,986 stu-*
19 *dent years.*

20 *(2) For flight training, 114 student years.*

21 *(3) For professional training in military and ci-*
22 *vilian institutions, 338 student years.*

23 *(4) For officer acquisition, 955 student years.*

1 **TITLE II—PERSONNEL MANAGEMENT**
2 **IMPROVEMENT**

3 **SEC. 201. CEILING ON OFFICER CORPS.**

4 *Subsection (a) of section 42 of title 14, United States*
5 *Code, is amended by striking “6,000” and inserting*
6 *“6,200”.*

7 **SEC. 202. VOLUNTEER SERVICES.**

8 *Section 93 of title 14, United States Code, is amended*
9 *by—*

10 (1) *striking “and” at the end of paragraph (r);*

11 (2) *striking the period at the end of paragraph*
12 *(s) and inserting a comma; and*

13 (3) *adding at the end the following new sub-*
14 *section:*

15 “(t) *Notwithstanding any other law, enter into cooper-*
16 *ative agreements with States, local governments, nongovern-*
17 *mental organizations, and individuals, to accept and utilize*
18 *voluntary services for the maintenance and improvement*
19 *of natural and historic resources on, or to benefit natural*
20 *and historic research on, Coast Guard facilities, subject to*
21 *the requirement that—*

22 “(1) *the cooperative agreements shall each pro-*
23 *vide for the parties to contribute funds or services on*
24 *a matching basis to defray the costs of such programs,*
25 *projects, and activities under the agreement; and*

1 “(2) a person providing voluntary services under
 2 this subsection shall not be considered a Federal em-
 3 ployee except for purposes of chapter 81 of title 5,
 4 United States Code, with respect to compensation for
 5 work-related injuries, and chapter 171 of title 28,
 6 United States Code, with respect to tort claims; and”.

7 **SEC. 203. RESERVE RETENTION BOARDS.**

8 Section 741 of title 14, United States Code, is amend-
 9 ed—

10 (1) in subsection (a) in the first sentence by
 11 striking “and are not on active duty and not on an
 12 approved list of selectees for promotion to the next
 13 higher grade” and inserting the following: “; except
 14 those officers who—

15 “(1) are on extended active duty;

16 “(2) are on a list of selectees for promotion;

17 “(3) will complete 30 years total commissioned
 18 service by June 30th following the date that the reten-
 19 tion board is convened; or

20 “(4) have reached age 59 by the date on which
 21 the retention board is convened”;

22 (2) in subsection (a) by moving the second sen-
 23 tence so as to begin—

24 (A) immediately below paragraph (4) (as
 25 added by paragraph (1) of this section); and

1 (B) flush with the left margin of the mate-
2 rial preceding paragraph (1);

3 (3) by designating the third sentence of sub-
4 section (a) as subsection (b) by—

5 (A) inserting “(b)” before “This board
6 shall—”; and

7 (B) moving the third sentence so as to begin
8 immediately below the second sentence of sub-
9 section (a); and

10 (4) by redesignating the last 2 subsections as
11 subsections (c) and (d), respectively.

12 **SEC. 204. CONTINUITY OF GRADE OF ADMIRALS AND VICE**
13 **ADMIRALS.**

14 (a) Section 46(a) of title 14, United States Code, is
15 amended to read as follows:

16 “(a) A Commandant who is not reappointed shall be
17 retired with the grade of admiral at the expiration of the
18 appointed term, except as provided in subsection 51(d) of
19 this title.”.

20 (b)(1) Section 47 of title 14, United States Code, is
21 amended—

22 (A) in the heading by striking “; retirement”;

23 (B) in subsection (a) by—

24 (i) striking “(a)” at the beginning thereof,

25 and

1 (ii) striking the last sentence and inserting
2 the following: “The appointment and grade of a
3 Vice Commandant shall be effective on the date
4 the officer assumes that duty, and shall termi-
5 nate on the date the officer is detached from that
6 duty, except as provided in subsection 51(d) of
7 this title.”; and

8 (C) by striking subsections (b), (c), and (d).

9 (2) The table of sections at the beginning of chapter
10 3 of title 14, United States Code, is amended by striking
11 the item relating to section 47 and inserting the following:

 “47. Vice Commandant; assignment.”.

12 (c) Section 50(b) of title 14, United States Code, is
13 amended by striking the last sentence and inserting “The
14 appointment and grade of an area commander shall be ef-
15 fective on the date the officer assumes that duty, and shall
16 terminate on the date the officer is detached from that duty,
17 except as provided in subsection 51(d) of this title.”.

18 (d) Section 51 of title 14, United States Code, is
19 amended by adding at the end the following new subsection:

20 “(d) An officer serving in the grade of admiral or vice
21 admiral shall continue to hold that grade—

22 “(1) while being processed for physical disability
23 retirement, beginning on the day of the processing
24 and ending on the day that officer is retired, but not
25 for more than 180 days; and

1 “(2) while awaiting retirement, beginning on the
2 day that officer is relieved from the position of Com-
3 mandant, Vice Commandant, Area Commander, or
4 Chief of Staff and ending on the day before the offi-
5 cer’s retirement, but not for more than 60 days.”.

6 **SEC. 205. CHIEF OF STAFF.**

7 (a) Section 41a(b) of title 14, United States Code, is
8 amended by striking “, except that the rear admiral serving
9 as Chief of Staff shall be the senior rear admiral for all
10 purposes other than pay” at the end of the second sentence.

11 (b)(1) Title 14, United States Code, is amended by in-
12 serting after section 50 the following new section:

13 **“§ 50a. Chief of Staff**

14 “(a) The President may appoint, by and with the ad-
15 vice and consent of the Senate, a Chief of Staff of the Coast
16 Guard who shall rank next after the area commanders and
17 who shall perform duties as prescribed by the Commandant.
18 The Chief of Staff shall be appointed from the officers on
19 the active duty promotion list serving above the grade of
20 captain. The Commandant shall make recommendations for
21 the appointment.

22 “(b) The Chief of Staff shall have the grade of vice ad-
23 miral with the pay and allowances of that grade. The ap-
24 pointment and grade of the Chief of Staff shall be effective
25 on the date the officer assumes that duty, and shall termi-

1 *nate on the date the officer is detached from that duty, ex-*
2 *cept as provided in section 51(d) of this title.”*

3 *(2) The table of sections at the beginning of chapter*
4 *3 of title 14, United States Code, is amended by inserting*
5 *after the item relating to section 50 the following:*

“50a. Chief of Staff.”.

6 *(c) Section 51 of title 14, United States Code, is*
7 *amended—*

8 *(1) in subsection (a) by striking “as Com-*
9 *mander, Atlantic Area, or Commander, Pacific Area”*
10 *and inserting “in the grade of vice admiral”; and*

11 *(2) in subsection (b) by striking “as Commander,*
12 *Atlantic Area, or Commander, Pacific Area” and in-*
13 *serting “in the grade of vice admiral”.*

14 *(d) Section 290 of title 14, United States Code, is*
15 *amended—*

16 *(1) in subsection (a) by striking “or in the posi-*
17 *tion of Chief of Staff” in the second sentence;*

18 *(2) in subsection (f)(1) by striking “Chief of*
19 *Staff or”; and*

20 *(3) in subsection (f)(2) by striking “Chief of*
21 *Staff or”.*

1 **TITLE III—MISCELLANEOUS COAST**
2 **GUARD PROVISIONS**

3 **SEC. 301. NORTH ATLANTIC ROUTES.**

4 *Sections 3 and 5 of the Act of June 25, 1936 (49 Stat.*
5 *1922, 46 App. U.S.C. 738b and 738d), are repealed.*

6 **SEC. 302. COAST GUARD FAMILY HOUSING.**

7 *(a) IN GENERAL.—Chapter 17 of title 14, United*
8 *States Code, is amended by adding at the end the following*
9 *new section:*

10 **“§ 670. Procurement authority for family housing**

11 *“(a) The Secretary is authorized—*

12 *“(1) to acquire, subject to the availability of ap-*
13 *propriations sufficient to cover its full obligations,*
14 *real property or interests therein by purchase, lease*
15 *for a term not to exceed 5 years, or otherwise, for use*
16 *as Coast Guard family housing units, including the*
17 *acquisition of condominium units, which may include*
18 *the obligation to pay maintenance, repair, and other*
19 *condominium-related fees; and*

20 *“(2) to dispose of by sale, lease, or otherwise, any*
21 *real property or interest therein used for Coast Guard*
22 *family housing units for adequate consideration.*

23 *“(b)(1) For the purposes of this section, a multiyear*
24 *contract is a contract to lease Coast Guard family housing*
25 *units for at least one, but not more than 5, fiscal years.*

1 “(2) The Secretary may enter into multiyear contracts
2 under subsection (a) of this section whenever the Coast
3 Guard finds that—

4 “(A) the use of a contract will promote the effi-
5 ciency of the Coast Guard family housing program
6 and will result in reduced total costs under the con-
7 tract; and

8 “(B) there are realistic estimates of both the cost
9 of the contract and the anticipated cost avoidance
10 through the use of a multiyear contract.

11 “(3) A multiyear contract authorized under subsection
12 (a) of this section shall contain cancellation and termi-
13 nation provisions to the extent necessary to protect the best
14 interests of the United States, and may include consider-
15 ation of both recurring and nonrecurring costs. The contract
16 may provide for a cancellation payment to be made.
17 Amounts that were originally obligated for the cost of con-
18 tract may be used for cancellation or termination costs.”.

19 (b) CLERICAL AMENDMENT.—The table of sections at
20 the beginning of chapter 17, United States Code, is amended
21 by adding at the end the following:

 “670. Procurement authority for family housing.”.

22 **SEC. 303. AIR STATION CAPE COD IMPROVEMENTS.**

23 (a) IN GENERAL.—Chapter 17 of title 14, United
24 States Code, is amended by adding after section 670 (as
25 added by section 302 of this Act) the following new section:

1 **“§671. Air Station Cape Cod improvements**

2 *“The Secretary may expend funds for the repair, im-*
 3 *provement, restoration, or replacement of those federally or*
 4 *nonfederally owned support buildings, including appur-*
 5 *tenances, which are on leased or permitted real property*
 6 *constituting Coast Guard Air Station Cape Cod, located on*
 7 *Massachusetts Military Reservation, Cape Cod, Massachu-*
 8 *setts.”.*

9 (b) CLERICAL AMENDMENT.—*The table of sections at*
 10 *the beginning of chapter 17, United States Code, is amended*
 11 *by adding after the item relating to section 670 (as added*
 12 *by section 302 of this Act) the following:*

“671. Air Station Cape Cod improvements.”.

13 **SEC. 304. LONG-TERM LEASE AUTHORITY FOR AIDS TO**
 14 **NAVIGATION.**

15 (a) Chapter 17 of title 14, United States Code, is
 16 amended by adding after section 671 (as added by section
 17 303 of this Act) the following new section:

18 **“§672. Long-term lease authority for navigation and**
 19 **communications systems sites**

20 “(a) The Secretary is authorized, subject to the avail-
 21 ability of appropriations, to enter into lease agreements to
 22 acquire real property or interests therein for a term not
 23 to exceed 20 years, inclusive of any automatic renewal
 24 clauses, for aids to navigation (hereafter in this section re-
 25 ferred to as ‘ATON’) sites, vessel traffic service (hereafter

1 *in this section referred to as ‘VTS’) sensor sites, or National*
2 *Distress System (hereafter in this section referred to as*
3 *‘NDS’) high level antenna sites. These lease agreements shall*
4 *include cancellation and termination provisions to the ex-*
5 *tent necessary to protect the best interests of the United*
6 *States. Cancellation payment provisions may include con-*
7 *sideration of both recurring and nonrecurring costs associ-*
8 *ated with the real property interests under the contract.*
9 *These lease agreements may provide for a cancellation pay-*
10 *ment to be made. Amounts that were originally obligated*
11 *for the cost of the contract may be used for cancellation*
12 *or termination costs.*

13 “(b) The Secretary may enter into multiyear lease
14 agreements under subsection (a) of this section whenever the
15 Secretary finds that—

16 “(1) the use of such a lease agreement will pro-
17 mote the efficiency of the ATON, VTS, or NDS pro-
18 grams and will result in reduced total costs under the
19 agreement;

20 “(2) the minimum need for the real property or
21 interest therein to be leased is expected to remain sub-
22 stantially unchanged during the contemplated lease
23 period; and

1 “(3) the estimates of both the cost of the lease
2 and the anticipated cost avoidance through the use of
3 a multiyear lease are realistic.”.

4 (b) The table of sections at the beginning of chapter
5 17 of title 14, United States Code, is amended by adding
6 after the item relating to section 671 (as added by section
7 303 of this Act) the following:

“672. Long-term lease authority for navigation and communications systems
sites.”.

8 **SEC. 305. AUTHORITY FOR EDUCATIONAL RESEARCH**
9 **GRANTS.**

10 (a) *IN GENERAL.*—Chapter 9 of title 14, United States
11 Code, is amended by adding at the end the following new
12 section:

13 **“§ 196. Participation in Federal, State, or other edu-**
14 **cational research grants**

15 “Notwithstanding any other provision of law, the
16 United States Coast Guard Academy may compete for and
17 accept Federal, State, or other educational research grants,
18 subject to the following limitations:

19 “(1) No award may be accepted for the acquisi-
20 tion or construction of facilities.

21 “(2) No award may be accepted for the routine
22 functions of the Academy.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 9 of title 14, United States Code,*
 3 *is amended by adding at the end the following:*

“196. Participation in Federal, State, or other educational research grants.”.

4 **SEC. 306. PREPOSITIONED OIL SPILL CLEANUP EQUIP-**
 5 **MENT.**

6 *The Secretary of Transportation is authorized to ex-*
 7 *pend out of amounts appropriated for acquisition, construc-*
 8 *tion, and improvement for fiscal year 1994—*

9 (1) *\$890,000 to acquire and preposition oil spill*
 10 *response equipment at Port Arthur, Texas, and*

11 (2) *\$890,000 to acquire and preposition oil spill*
 12 *response equipment at Helena, Arkansas, subject to*
 13 *the Secretary determining that adequate storage and*
 14 *maintenance facilities are available.*

15 **SEC. 307. SHORE FACILITIES IMPROVEMENTS AT COAST**
 16 **GUARD STATION LITTLE CREEK, VIRGINIA.**

17 (a) *The Secretary of Transportation, subject to the*
 18 *availability of appropriations, may at Coast Guard Station*
 19 *Little Creek, Virginia—*

20 (1) *construct a 2-story station building with*
 21 *operational, administrative, and living spaces;*

22 (2) *construct a 180-foot long pier for Coast*
 23 *Guard patrol boats;*

24 (3) *construct a boat ramp; and*

25 (4) *strengthen a waterfront bulkhead.*

1 (b) Funds necessary to carry out this section are au-
2 thorized to be appropriated for fiscal year 1994.

3 **SEC. 308. OIL SPILL TRAINING SIMULATOR.**

4 The Secretary of Transportation is authorized to ex-
5 pend out of the amounts appropriated for acquisition, con-
6 struction, and improvement not more than \$1,250,000 to
7 the Maritime College of the State of New York to purchase
8 a marine oil spill management simulator.

9 **SEC. 309. TECHNICAL CLARIFICATION.**

10 Section 4283B of the Revised Statutes (46 App U.S.C.
11 183c) is amended by striking “any court” in clause (2) and
12 inserting in lieu thereof “court”.

13 **SEC. 310. OIL SPILL PREVENTION AND RESPONSE TECH-**
14 **NOLOGY TEST AND EVALUATION PROGRAM.**

15 (a) Not later than 6 months after the date of enactment
16 of this Act, the Secretary of Transportation shall establish
17 a program to evaluate the technological feasibility and envi-
18 ronmental benefits of having tank vessels carry oil spill pre-
19 vention and response technology. To implement the pro-
20 gram the Secretary shall—

21 (1) publish in the Federal Register an invitation
22 for submission of proposals including plans and pro-
23 cedures for testing; and

1 (2) review and evaluate technology using, to the
2 maximum extent possible, existing evaluation and
3 performance standards.

4 (b) The Secretary shall, to the maximum extent pos-
5 sible, incorporate in the program established in subsection
6 (a), the results of existing studies and evaluations of oil spill
7 prevention and response technology carried on tank vessels.

8 (c) Not later than 2 years after the date of the enact-
9 ment of this Act, the Secretary shall evaluate the results
10 of the program established in subsection (a) and submit a
11 report to Congress with recommendations on the feasibility
12 and environmental benefits of, and appropriate equipment
13 and utilization standards for, requiring tank vessels to
14 carry oil spill prevention and response equipment.

15 (d) Not later than 6 months after the date of the enact-
16 ment of this Act, the Secretary shall evaluate and report
17 to the Congress on the feasibility of using segregated ballast
18 tanks for emergency transfer of cargo and storage of recov-
19 ered oil.

20 **SEC. 311. UNMANNED SEAGOING BARGES.**

21 Section 3302 of title 46, United States Code, is amend-
22 ed by adding at the end the following:

23 “(m) A seagoing barge is not subject to inspection
24 under section 3301(6) of this title if the vessel is unmanned
25 and does not carry—

1 “(1) a hazardous material as cargo; or
2 “(2) a flammable or combustible liquid, includ-
3 ing oil, in bulk.”.

4 **SEC. 312. PROHIBITION ON DECOMMISSIONING ICE-**
5 **BREAKER MACKINAW.**

6 (a) The Secretary of transportation may not decom-
7 mission the Coast Guard cutter MACKINAW before Decem-
8 ber 31, 1994.

9 (b) There is authorized to be appropriated to the Sec-
10 retary of Transportation \$1,600,000 for fiscal year 1994,
11 to remain available until expended, for operations and
12 maintenance of the Coast Guard cutter MACKINAW.

13 **SEC. 313. LOWER COLUMBIA RIVER MARINE FIRE AND SAFE-**
14 **TY ACTIVITIES.**

15 The Secretary of Transportation is authorized to ex-
16 pend out of the amounts appropriated for the Coast Guard
17 for fiscal year 1994 not more than \$421,700, and for fiscal
18 year 1995 not more than \$358,300, for the lower Columbia
19 River marine, fire, oil, and toxic spill response communica-
20 tions, training, equipment, and program administration
21 activities conducted by the Marine Fire and Safety Associa-
22 tion.

23 **SEC. 314. CASS RIVER.**

24 Subtitle II of title 46, United States Code, relating
25 only to vessel inspection and manning, shall not apply to

1 *a vessel operating on the date of enactment of this Act on*
2 *the Cass River above the dam at Frankenmuth, Michigan*
3 *(locally known as the Hubinger Dam) which is inspected*
4 *and licensed by the State of Michigan to carry passengers.*

5 **SEC. 315. SENSE OF THE CONGRESS REGARDING FUNDING**
6 **FOR COAST GUARD.**

7 *It is the sense of the Congress that in appropriating*
8 *amounts for the Coast Guard, the Congress should appro-*
9 *priate amounts adequate to enable the Coast Guard to carry*
10 *out all extraordinary functions and duties the Coast Guard*
11 *is required to undertake in addition to its normal functions*
12 *established by law.*

13 **SEC. 316. COOPERATIVE AGREEMENT AUTHORITY.**

14 *Section 93 of title 14, United States Code, as amended*
15 *by section 202 of this Act, is further amended by adding*
16 *at the end the following new subsection:*

17 *“(u) enter into cooperative agreements with other Gov-*
18 *ernment agencies and the National Academy of Sciences.”.*

19 **SEC. 317. REGIONAL FISHERIES LAW ENFORCEMENT TRAIN-**
20 **ING CENTERS.**

21 *(a) GULF OF MEXICO.—The Coast Guard shall estab-*
22 *lish a Gulf of Mexico Regional Fisheries Law Enforcement*
23 *Training Center in the Eighth Coast Guard District in*
24 *Southeastern Louisiana.*

1 (b) *SOUTHEAST ATLANTIC.*—*The Coast Guard shall es-*
2 *tablish a Southeast Regional Fisheries Law Enforcement*
3 *Training Center in the Seventh Coast Guard District in*
4 *Charleston, South Carolina.*

5 (c) *PURPOSE.*—*The purpose of the regional fisheries*
6 *law enforcement training centers shall be to increase the*
7 *skills and training of Coast Guard fisheries law enforcement*
8 *personnel and to ensure that such training considers and*
9 *meets the unique and complex needs and demands of the*
10 *fisheries of the Gulf of Mexico and the Southeast United*
11 *States.*

12 **SEC. 318. NATIONAL SAFE BOATING WEEK.**

13 (a) *The Act of June 4, 1958 (36 U.S.C. 161) is amend-*
14 *ed by striking “week commencing on the first Sunday in*
15 *June” and inserting “the seven day period ending on the*
16 *last Friday before Memorial Day”.*

17 (b) *This section is effective January 1, 1995.*

18 **SEC. 319. LOS ANGELES-LONG BEACH VESSEL TRAFFIC**
19 **SERVICE.**

20 *The Coast Guard is authorized to provide personnel*
21 *support for the interim vessel traffic information service in*
22 *the Ports of Los Angeles and Long Beach operated on behalf*
23 *of the State of California by the Marine Exchange of Los*
24 *Angeles-Long Beach Harbors, Inc., a California nonprofit*
25 *corporation (hereinafter referred to as “Marine Exchange”).*

1 *The Coast Guard shall be reimbursed for all costs associated*
2 *with providing such personnel in accordance with a reim-*
3 *bursable agreement between the Coast Guard and the State*
4 *of California. Amounts received by the Coast Guard as re-*
5 *imbursements for its costs shall be credited to the appro-*
6 *priation for operating expenses of the Coast Guard. The*
7 *United States Government assumes no liability for any act*
8 *or omission of any officer, director, employee, or representa-*
9 *tive of the Marine Exchange or of the State of California,*
10 *arising out of the operation of the vessel traffic information*
11 *service by the Marine Exchange, and the Coast Guard shall*
12 *have the same protections and limitations on such liability*
13 *as are afforded to the Marine Exchange under California*
14 *law.*

15 **SEC. 320. FINANCIAL RESPONSIBILITY FOR NONPERFORM-**
16 **ANCE.**

17 *Section 3(b) of Public Law 89-777 (46 App. U.S.C.*
18 *817e(b)) is amended by striking “and such bond or other*
19 *security shall be in an amount paid equal to the estimated*
20 *total revenue for the particular transportation.” and insert-*
21 *ing a period.*

22 **SEC. 321. FISHING AND FISH TENDER VESSELS.**

23 *(a) In this section, “fish tender vessel”, “fishing ves-*
24 *sel”, and “tank vessel” have the meanings given those terms*
25 *under section 2101 of title 46, United States Code.*

1 (b) A fishing vessel or fish tender vessel of not more
2 than 750 gross tons, when engaged only in the fishing in-
3 dustry, shall not be deemed to be a tank vessel for the pur-
4 poses of any law.

5 (c)(1) This section does not affect the authority of the
6 Secretary of Transportation under chapter 33 of title 46,
7 United States Code, to regulate the operation of the vessels
8 listed in subsection (b) to ensure the safe carriage of oil
9 and hazardous substances.

10 (2) This section does not affect the requirement for fish
11 tender vessels engaged in the Aleutian trade to comply with
12 chapters 33, 45, 51, 81, and 87 of title 46, United States
13 Code, as provided in the Aleutian Trade Act of 1990 (Public
14 Law 101–595).

15 **SEC. 322. OIL SPILL RECOVERY OPERATIONS.**

16 (a) Section 8104 of title 46, United States Code, is
17 amended—

18 (1) in subsection (g), by striking “a vessel used
19 only to respond to a discharge of oil or a hazardous
20 substance,”; and

21 (2) by adding a new subsection to read as fol-
22 lows:

23 “(p) On a vessel used only to respond to a discharge
24 of oil or a hazardous substance, the licensed individuals and
25 crewmembers may be divided into at least two watches when

1 *the vessel is engaged in an operation less than 12 hours*
 2 *in duration.”.*

3 *(b) Section 8301 of title 46, United States Code, is*
 4 *amended by adding a new subsection to read as follows:*

5 *“(e) A vessel used only to respond to a discharge of*
 6 *oil or a hazardous substance shall have—*

7 *“(1) two licensed mates when the vessel is en-*
 8 *gaged in an operation over 12 hours in duration;*

9 *“(2) one licensed mate when the vessel is engaged*
 10 *in an operation less than 12 hours in duration; and*

11 *“(3) if the vessel is more than 200 gross tons, a*
 12 *licensed engineer when the vessel is operating.”.*

13 **SEC. 323. LIMITATIONS ON PERFORMANCE OF LONGSHORE**
 14 **WORK BY ALIEN CREWMEMBERS—ALASKA EX-**
 15 **CEPTION.**

16 *(a) ALASKA EXCEPTION.—Section 258 of the Immigra-*
 17 *tion and Nationality Act (8 U.S.C. 1288) is amended—*

18 *(1) by redesignating subsection (d) as subsection*
 19 *(e); and*

20 *(2) by inserting after subsection (c) the following*
 21 *new subsection:*

22 *“(d) STATE OF ALASKA EXCEPTION.—(1) Subsection*
 23 *(a) shall not apply to a particular activity of longshore*
 24 *work at a particular location in the State of Alaska if an*
 25 *employer of alien crewmen has filed an attestation with the*

1 *Secretary of Labor at least 30 days before the date of the*
2 *first performance of the activity (or anytime up to 24 hours*
3 *before the first performance of the activity, upon a showing*
4 *that the employer could not have reasonably anticipated the*
5 *need to file an attestation for that location at that time)*
6 *setting forth facts and evidence to show that—*

7 “(A) *the employer will make a bona fide request*
8 *for United States longshore workers who are qualified*
9 *and available in sufficient numbers to perform the ac-*
10 *tivity at the particular time and location from the*
11 *parties to whom notice has been provided under*
12 *clauses (ii) and (iii) of subparagraph (D), except*
13 *that—*

14 “(i) *whenever two or more contract steve-*
15 *doring companies have signed a joint collective*
16 *bargaining agreement with a single labor organi-*
17 *zation described in subparagraph (D)(i), the em-*
18 *ployer may request longshore workers from only*
19 *one of such contract stevedoring companies, and*

20 “(ii) *a request for longshore workers to an*
21 *operator of a private dock may be made only for*
22 *longshore work to be performed at that dock and*
23 *only if the operator meets the requirements of*
24 *section 32 of the Longshoremen’s and Harbor*
25 *Workers’ Compensation Act (33 U.S.C. 932);*

1 “(B) the employer will employ all those United
2 States longshore workers made available in response
3 to the request made pursuant to subparagraph (A)
4 who are qualified and available in sufficient numbers
5 and who are needed to perform the longshore activity
6 at the particular time and location;

7 “(C) the use of alien crewmembers for such activ-
8 ity is not intended or designed to influence an elec-
9 tion of a bargaining representative for workers in the
10 State of Alaska; and

11 “(D) notice of the attestation has been provided
12 by the employer to—

13 “(i) labor organizations which have been
14 recognized as exclusive bargaining representa-
15 tives of United States longshore workers within
16 the meaning of the National Labor Relations Act
17 and which make available or intend to make
18 available workers to the particular location
19 where the longshore work is to be performed,

20 “(ii) contract stevedoring companies which
21 employ or intend to employ United States
22 longshore workers at that location, and

23 “(iii) operators of private docks at which
24 the employer will use longshore workers.

1 “(2)(A) An employer filing an attestation under para-
2 graph (1) who seeks to use alien crewmen to perform
3 longshore work shall be responsible while the attestation is
4 valid to make bona fide requests for United States longshore
5 workers under paragraph (1)(A) and to employ United
6 States longshore workers, as provided in paragraph (1)(B),
7 before using alien crewmen to perform the activity or activi-
8 ties specified in the attestation, except that an employer
9 shall not be required to request longshore workers from a
10 party if that party has notified the employer in writing
11 that it does not intend to make available United States
12 longshore workers to the location at which the longshore
13 work is to be performed.

14 “(B) If a party that has provided such notice subse-
15 quently notifies the employer in writing that it is prepared
16 to make available United States longshore workers who are
17 qualified and available in sufficient numbers to perform the
18 longshore activity to the location at which the longshore
19 work is to be performed, then the employer’s obligations to
20 that party under subparagraphs (A) and (B) of paragraph
21 (1) shall begin 60 days following the issuance of such notice.

22 “(3)(A) In no case shall an employer filing an attesta-
23 tion be required—

1 “(i) to hire less than a full work unit of United
2 States longshore workers needed to perform the
3 longshore activity;

4 “(ii) to provide overnight accommodations for
5 the longshore workers while employed; or

6 “(iii) to provide transportation to the place of
7 work, except where—

8 “(I) surface transportation is available;

9 “(II) such transportation may be safely ac-
10 complished;

11 “(III) travel time to the vessel does not ex-
12 ceed one-half hour each way; and

13 “(IV) travel distance to the vessel from the
14 point of embarkation does not exceed 5 miles.

15 “(B) In the cases of Wide Bay, Alaska, and Klawock/
16 Craig, Alaska, the travel times and travel distances speci-
17 fied in subclauses (III) and (IV) of subparagraph (A) shall
18 be extended to 45 minutes and 7½ miles, respectively, un-
19 less the party responding to the request for longshore work-
20 ers agrees to the lesser time and distance limitations speci-
21 fied in those subclauses.

22 “(4) Subject to subparagraphs (A) and (D) of sub-
23 section (c)(4), attestations filed under paragraph (1) of this
24 subsection shall—

1 “(A) expire at the end of the 1-year period begin-
2 ning on the date the employer anticipates the
3 longshore work to begin, as specified in the attestation
4 filed with the Secretary of Labor, and

5 “(B) apply to aliens arriving in the United
6 States during such 1-year period if the owner, agent,
7 consignee, master, or commanding officer states in
8 each list under section 251 that it continues to com-
9 ply with the conditions in the attestation.

10 “(5)(A) Except as otherwise provided by subparagraph
11 (B), subsection (c)(3) and subparagraphs (A) through (E)
12 of subsection (c)(4) shall apply to attestations filed under
13 this subsection.

14 “(B) The use of alien crewmen to perform longshore
15 work in Alaska consisting of the use of an automated self-
16 unloading conveyor belt or vacuum-actuated system on a
17 vessel shall be governed by the provisions of subsection (c).

18 “(6) For purposes of this subsection—

19 “(A) the term ‘contract stevedoring companies’
20 means those stevedoring companies licensed to do
21 business in the State of Alaska that meet the require-
22 ments of section 32 of the Longshoremen’s and Harbor
23 Workers’ Compensation Act (33 U.S.C. 932); and

24 “(B) the term ‘employer’ includes any agent or
25 representative designated by the employer; and

1 “(C) the terms ‘qualified’ and ‘available in suffi-
2 cient numbers’ shall be defined by reference to indus-
3 try standards in the State of Alaska, including safety
4 considerations.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 258(a) (8 U.S.C. 1288(a)) is amend-
7 ed by striking “subsection (c) or subsection (d)” and
8 inserting “subsection (c), (d), or (e)”.

9 (2) Section 258(c)(4)(A) (8 U.S.C.
10 1288(c)(4)(A)) is amended by inserting “or subsection
11 (d)(1)” after “paragraph (1)” each of the two places
12 it appears.

13 (3) Section 258(c) (8 U.S.C. 1288(c)) is amended
14 by adding at the end the following new paragraph:

15 “(5) Except as provided in paragraph (5) of subsection
16 (d), this subsection shall not apply to longshore work per-
17 formed in the State of Alaska.”.

18 (c) IMPLEMENTATION.—(1) The Secretary of Labor
19 shall prescribe such regulations as may be necessary to
20 carry out this section.

21 (2) Attestations filed pursuant to section 258(c) (8
22 U.S.C. 1288(c)) with the Secretary of Labor before the date
23 of enactment of this Act shall remain valid until 60 days
24 after the date of issuance of final regulations by the Sec-
25 retary under this section.

1 **SEC. 324. CAPE COD LIGHTHOUSE PLANNING AND DESIGN**
2 **STUDIES.**

3 (a) *COMPLETION OF STUDIES.*—

4 (1) *PLANNING.*—Not later than 6 months after
5 the date of enactment of this Act, the Secretary of
6 Transportation and the Secretary of the Interior shall
7 complete the necessary planning studies, including se-
8 lection of a relocation site, identified in the Coast
9 Guard's strategy document for relocation of the Cape
10 Cod Lighthouse (popularly known as the "Highland
11 Light Station"), located in North Truro, Massachu-
12 setts.

13 (2) *DESIGN.*—Not later than 18 months after the
14 date of enactment of this Act, the Secretary of Trans-
15 portation shall complete the design studies indentified
16 in the Coast Guard's strategy document for relocation
17 of the Cape Cod Lighthouse.

18 (b) *USE OF AMOUNTS FOR STUDIES.*—Of amounts ap-
19 propriated under the authority of this Act for acquisition,
20 construction, rebuilding, and improvement, the Secretary of
21 Transportation may use up to \$600,000 for conducting the
22 studies required under subsection (a).

23 **SEC. 325. WASHINGTON STATE LIGHTHOUSES.**

24 (a) *AUTHORITY TO TRANSFER.*—

25 (1) *IN GENERAL.*—The Secretary may convey by
26 any appropriate means to the Washington State

1 *Parks and Recreation Commission all right, title, and*
2 *interest of the United States in and to property com-*
3 *prising 1 or more of the Cape Disappointment Light-*
4 *house, North Head Lighthouse, and Point Wilson*
5 *Lighthouse.*

6 (2) *IDENTIFICATION OF PROPERTY.*—*The Sec-*
7 *retary may identify, describe, and determine property*
8 *conveyed pursuant to this section.*

9 (b) *TERMS AND CONDITIONS.*—

10 (1) *IN GENERAL.*—*The conveyance of property*
11 *pursuant to subsection (a) shall be made—*

12 (A) *without the payment of consideration;*

13 *and*

14 (B) *subject to such terms and conditions as*
15 *the Secretary may consider appropriate.*

16 (2) *REVERSIONARY INTEREST.*—*In addition to*
17 *any term or condition established pursuant to para-*
18 *graph (1), any conveyance of property comprising*
19 *Cape Disappointment Lighthouse, North Head Light-*
20 *house, or Point Wilson Lighthouse pursuant to this*
21 *section shall be subject to the condition that all right,*
22 *title, and interest in and to the property so conveyed*
23 *shall immediately revert to the United States if the*
24 *property, or any part thereof—*

1 (A) ceases to be used as a center for public
2 benefit for the interpretation and preservation of
3 maritime history;

4 (B) ceases to be maintained in a manner
5 that ensures its present or future use as a Coast
6 Guard aid to navigation; or

7 (C) ceases to be maintained in a manner
8 consistent with the provisions of the National
9 Historic Preservation Act of 1966 (16 U.S.C.
10 470 et seq.).

11 (3) *REQUIRED CONDITIONS.*—Any conveyance of
12 property pursuant to this section shall be made sub-
13 ject to such conditions as the Secretary considers to
14 be necessary to assure that—

15 (A) the lights, antennas, and associated
16 equipment located on the property conveyed,
17 which are active aids to navigation, shall con-
18 tinue to be operated and maintained by the
19 United States;

20 (B) the Washington State Parks and Recre-
21 ation Commission may not interfere or allow in-
22 terference in any manner with such aids to navi-
23 gation without express written permission from
24 the Secretary of Transportation;

1 (C) there is reserved to the United States
2 the right to relocate, replace, or add any aids to
3 navigation or make any changes on any portion
4 of such property as may be necessary for naviga-
5 tion purposes;

6 (D) the United States shall have the right,
7 at any time, to enter such property without no-
8 tice for the purpose of maintaining aids to navi-
9 gation;

10 (E) the United States shall have an ease-
11 ment of access to such property for the purpose
12 of maintaining the aids to navigation in use on
13 the property; and

14 (F) the property shall be rehabilitated and
15 maintained by the owner in accordance with the
16 provisions of the National Historic Preservation
17 Act of 1966 (16 U.S.C. 470 et seq.).

18 (4) MAINTENANCE OF CERTAIN EQUIPMENT NOT
19 REQUIRED.—The Washington State Parks and Recre-
20 ation Commission shall not have any obligation to
21 maintain any active aid to navigation equipment on
22 property conveyed pursuant to this section.

23 (c) DEFINITIONS.—For purposes of this section, the
24 term—

1 (1) “Cape Disappointment Lighthouse” means
2 the Coast Guard lighthouse located at Fort Canby
3 State Park, Washington, including—

4 (A) the lighthouse, excluding any lantern or
5 lens that is the personal property of the Coast
6 Guard; and

7 (B) such land as may be necessary to enable
8 the Washington State Parks and Recreation
9 Commission to operate at that lighthouse a cen-
10 ter for public benefit for the interpretation and
11 preservation of the maritime history;

12 (2) “North Head Lighthouse” means the Coast
13 Guard lighthouse located at Fort Canby State Park,
14 Washington, including—

15 (A) the lighthouse, excluding any lantern or
16 lens that is the personal property of the Coast
17 Guard;

18 (B) ancillary buildings; and

19 (C) such land as may be necessary to enable
20 the Washington State Parks and Recreation
21 Commission to operate at that lighthouse a cen-
22 ter for public benefit for the interpretation and
23 preservation of maritime history;

(3) “Point Wilson Lighthouse” means the Coast Guard lighthouse located at Fort Worden State Park, Washington, including—

(A) the lighthouse, excluding any lantern or lens that is the personal property of the Coast Guard;

(B) 2 ancillary buildings; and

(C) such land as may be necessary to enable the Washington State Parks and Recreation Commission to operate at that lighthouse a center for public benefit for the interpretation and preservation of maritime history; and

(4) “Secretary” means the Secretary of Transportation.

SEC. 326. HERON NECK LIGHTHOUSE.

(a) *AUTHORITY TO TRANSFER.*—

(1) *IN GENERAL.*—The Secretary of Transportation shall convey by any appropriate means to the Island Institute, Rockland, Maine, all right, title, and interest of the United States in and to property comprising the Heron Neck Lighthouse.

(2) *IDENTIFICATION OF PROPERTY.*—The Secretary may identify, describe, and determine property conveyed pursuant to this subsection.

(b) *TERMS AND CONDITIONS.*—

1 (1) *IN GENERAL.*—*The conveyance of property*
2 *pursuant to subsection (a) shall be made—*

3 (A) *without payment of consideration; and*

4 (B) *subject to such terms and conditions as*
5 *the Secretary may consider appropriate.*

6 (2) *USE OF PROPERTY.*—*The property conveyed*
7 *pursuant to subsection (a) may be used for edu-*
8 *cational, historic, recreational, and cultural programs*
9 *open to and for the benefit of the general public.*
10 *Theme displays, museums, gift shops, open exhibits,*
11 *meeting rooms, and an office and quarters for person-*
12 *nel in connection with security and administration of*
13 *the property are expressly authorized. Other uses not*
14 *inconsistent with the foregoing uses are permitted un-*
15 *less the Secretary shall reasonably determine that*
16 *such uses are incompatible with the historic nature of*
17 *the property or with other provisions of this section.*

18 (3) *REVISIONARY INTEREST.*—*In addition to*
19 *any term or condition established pursuant to para-*
20 *graph (1), any conveyance of property comprising the*
21 *Heron Neck Lighthouse pursuant to subsection (a)*
22 *shall be subject to the condition that all right, title,*
23 *and interest in and to the property so conveyed shall*
24 *immediately revert to the United States if the prop-*
25 *erty, or any part thereof—*

1 (A) ceases to be used as a nonprofit center
2 for educational, historic, recreational, and cul-
3 tural programs open to and for the benefit of the
4 general public;

5 (B) ceases to be maintained in a manner
6 that ensures its present or future use as a Coast
7 Guard aid to navigation; or

8 (C) ceases to be maintained in a manner
9 consistent with the provisions of the National
10 Historic Preservation Act of 1966 (U.S.C. 470 et
11 seq.).

12 (4) *REQUIRED CONDITIONS.*—Any conveyance of
13 property pursuant to this section shall be made sub-
14 ject to such conditions as the Secretary considers to
15 be necessary to assure that—

16 (A) the light, antennas, sound signal, and
17 associated lighthouse equipment located on the
18 property conveyed, which are active aids to navi-
19 gation, shall continue to be operated and main-
20 tained by the United States Government for as
21 long as they are needed for this purpose;

22 (B) the Island Institute may not interfere
23 or allow interference in any manner with such
24 aids to navigation without express written per-
25 mission from the Secretary;

1 (C) there is reserved to the United States
2 the right to relocate, replace, or add any aids to
3 navigation or make any changes on any prop-
4 erty as may be necessary for navigation pur-
5 poses;

6 (D) the United States shall have the right,
7 at any time, to enter such property without no-
8 tice for the purpose of maintaining aids to navi-
9 gation; and

10 (E) the United States shall have an ease-
11 ment of access to such property for the purpose
12 of maintaining the aids to navigation in use on
13 the property.

14 (5) MAINTENANCE OBLIGATION.—The Island In-
15 stitute shall not have any obligation to maintain any
16 active aid to navigation equipment on property con-
17 veyed pursuant to subsection (a).

18 (c) PROPERTY TO BE MAINTAINED IN ACCORDANCE
19 WITH CERTAIN LAWS.—The Island Institute shall main-
20 tain the Heron Neck Lighthouse in accordance with the Pro-
21 visions of the National Historic Preservation Act of 1966
22 (16 U.S.C. et seq.) and other applicable laws.

23 (d) DEFINITIONS.—For purposes of this section, the
24 term “Heron Neck Lighthouse” means the Coast Guard

1 *lighthouse located on Green Island, Vinalhaven, Maine, in-*
 2 *cluding—*

3 (1) *the attached keeper's dwelling, ancillary*
 4 *buildings, and associated fog signal, and boat ramp;*
 5 *and*

6 (2) *such land as may be necessary to enable the*
 7 *Island Institute to operate at that lighthouse a non-*
 8 *profit center for public benefit.*

9 **SEC. 327. BURNT COAT HARBOR LIGHTHOUSE.**

10 (a) *AUTHORITY TO TRANSFER.—*

11 (1) *IN GENERAL.—The Secretary of Transpor-*
 12 *tation shall convey by any appropriate means to the*
 13 *Town of Swan's Island, Swans Island, Maine, all*
 14 *right, title, and interest of the United States in and*
 15 *to property comprising the Burnt Coat Harbor Light-*
 16 *house.*

17 (2) *IDENTIFICATION OF PROPERTY.—The Sec-*
 18 *retary may identify, describe, and determine property*
 19 *conveyed pursuant to this subsection.*

20 (b) *TERMS AND CONDITIONS.—*

21 (1) *IN GENERAL.—The conveyance of property*
 22 *pursuant to subsection (a) shall be made—*

23 (A) *without payment of consideration; and*

24 (B) *subject to such terms and conditions as*
 25 *the Secretary may consider appropriate.*

1 (2) *USE OF PROPERTY.*—The property conveyed
2 pursuant to subsection (a) may be used for edu-
3 cational, historic, recreational, and cultural programs
4 open to and for the benefit of the general public.
5 Theme displays, museums, gift shops, open exhibits,
6 meeting rooms, and an office and quarters for person-
7 nel in connection with security and administration of
8 the property are expressly authorized. Other uses not
9 inconsistent with the foregoing uses are permitted un-
10 less the Secretary shall reasonably determine that
11 such uses are incompatible with the historic nature of
12 the property or with other provisions of this section.

13 (3) *REVERSIONARY INTEREST.*—In addition to
14 any term or condition established pursuant to para-
15 graph (1), any conveyance of property comprising the
16 Heron Neck Lighthouse pursuant to subsection (a)
17 shall be subject to the condition that all right, title,
18 and interest in and to the property so conveyed shall
19 immediately revert to the United States if the prop-
20 erty, or any part thereof—

21 (A) ceases to be used as a nonprofit center
22 for public benefit for the interpretation and pres-
23 ervation of the material culture of the United
24 States Coast Guard and the maritime history of
25 the State of Maine;

1 (B) ceases to be maintained in a manner
2 that ensures its present or future use as a Coast
3 Guard aid to navigation; or

4 (C) ceases to be maintained in a manner
5 consistent with the provisions of the National
6 Historic Preservation Act of 1966 (U.S.C. 470 et
7 seq.).

8 (4) *REQUIRED CONDITIONS.*—Any conveyance of
9 property pursuant to this section shall be made sub-
10 ject to such conditions as the Secretary considers to
11 be necessary to assure that—

12 (A) the light, antennas, sound signal, and
13 associated lighthouse equipment located on the
14 property conveyed, which are active aids to navi-
15 gation, shall continue to be operated and main-
16 tained by the United States Government for as
17 a long as they are needed for this purpose;

18 (B) the Town of Swan's Island may not
19 interfere or allow interference in any manner
20 with such aids to navigation without express
21 written permission from the Secretary;

22 (C) there is reserved to the United States
23 the right to relocate, replace, or add any aids to
24 navigation or make any changes on any prop-

1 erty as may be necessary for navigation pur-
2 poses;

3 (D) the United States shall have the right,
4 at any time, to enter such property without no-
5 tice for the purpose of maintaining aids to navi-
6 gation; and

7 (E) the United States shall have an ease-
8 ment of access to such property for the purpose
9 of maintaining the aids to navigation in use on
10 the property.

11 (5) *MAINTENANCE OBLIGATION.*—The Town of
12 Swan’s Island shall not have any obligation to main-
13 tain any active aid to navigation equipment on prop-
14 erty conveyed pursuant to subsection (a).

15 (c) *PROPERTY TO BE MAINTAINED IN ACCORDANCE*
16 *WITH CERTAIN LAWS.*—The Town of Swan’s Island shall
17 maintain the Burnt Coat Harbor Lighthouse in accordance
18 with the Provisions of the National Historic Preservation
19 Act of 1966 (16 U.S.C. et seq.) and other applicable laws.

20 (d) *DEFINITIONS.*—For purposes of this section, the
21 term “Burnt Coat Harbor Lighthouse” means the Coast
22 Guard lighthouse located on Swans Island, Maine, includ-
23 ing the keeper’s dwelling, oil house, bell tower and such
24 lands as may be necessary to enable the Swan’s Island Edu-

1 *cational Society to operate at the lighthouse a nonprofit*
2 *center for public benefit.*

3 ***TITLE IV—EMPLOYMENT AND DISCHARGE***

4 ***SEC. 401. SHIPPING ARTICLES AGREEMENTS.***

5 *Section 10302 of title 46, United States Code, is*
6 *amended—*

7 *(1) by amending subsection (a) to read as fol-*
8 *lows:*

9 *“(a) The owner, charterer, managing operator, master,*
10 *or individual in charge shall make a shipping agreement*
11 *in writing with each seaman before the seaman commences*
12 *employment.”; and*

13 *(2) by adding at the end the following new sub-*
14 *sections:*

15 *“(c) Each shipping agreement must be signed by the*
16 *master or individual in charge or a representative of the*
17 *owner, charterer, or managing operator, and by each sea-*
18 *man employed.*

19 *“(d) The owner, charterer, managing operator, master,*
20 *or individual in charge shall maintain the shipping agree-*
21 *ment and make the shipping agreement available to the sea-*
22 *man.”.*

1 **SEC. 402. FORM OF AGREEMENTS.**

2 *Section 10304 of title 46, United States Code, is*
3 *amended by striking “Shipping commissioner’s signature*
4 *or initials” from the form.*

5 **SEC. 403. MANNER OF SIGNING AGREEMENTS.**

6 *Section 10305 of title 46, United States Code, is*
7 *amended—*

8 *(1) in subsection (a)(2), by striking “a shipping*
9 *commissioner” and inserting in lieu thereof “the mas-*
10 *ter or individual in charge”;*

11 *(2) by striking “(a)”;* and

12 *(3) by striking subsections (b) and (c).*

13 **SEC. 404. EXHIBITING MERCHANT MARINERS’ DOCUMENTS.**

14 *Section 10306 of title 46, United States Code, is*
15 *amended by striking “shipping commissioner” and insert-*
16 *ing in lieu thereof “master or individual in charge”.*

17 **SEC. 405. REPEAL OF PENALTY FOR FAILURE TO POST**
18 **AGREEMENT.**

19 *Section 10307 of title 46, United States Code, is*
20 *amended by striking the last sentence.*

21 **SEC. 406. REPEAL OF PENALTY RELATING TO ENGAGING**
22 **SEAMEN OUTSIDE UNITED STATES.**

23 *Section 10308 of title 46, United States Code, is*
24 *amended by striking “(a)” and by striking subsection (b).*

1 **SEC. 407. REPEAL OF PENALTY RELATING TO ENGAGING**
 2 **REPLACEMENT SEAMEN; APPLICATION OF RE-**
 3 **QUIREMENTS.**

4 *Section 10309 of title 46, United States Code, is*
 5 *amended by striking subsection (b) and redesignating sub-*
 6 *section (c) as subsection (b).*

7 **SEC. 408. ACCOUNTING OF WAGES AND DEDUCTIONS AT**
 8 **PAYOFF OR DISCHARGE.**

9 *Section 10310 of title 46, United States Code, is*
 10 *amended by striking “or a shipping commissioner” in the*
 11 *first sentence and by striking the last sentence.*

12 **SEC. 409. CERTIFICATES OF DISCHARGE.**

13 *Section 10311 of title 46, United States Code, is*
 14 *amended—*

15 *(1) in subsection (a), by striking “shipping com-*
 16 *missioner” and inserting in lieu thereof “master or*
 17 *individual in charge”;*

18 *(2) in subsection (b), by striking the last sentence*
 19 *and inserting in lieu thereof “The certificate shall be*
 20 *signed by the master and the seaman.”;*

21 *(3) in subsection (d)(1), by striking “Secretary”*
 22 *and inserting in lieu thereof “owner, charterer, man-*
 23 *aging operator, master, or individual in charge”; and*

24 *(4) in subsection (d)(2), by striking “at a cost*
 25 *prescribed by regulation” and inserting in lieu thereof*
 26 *“at the request of the seaman”.*

1 **SEC. 410. SETTLEMENTS ON DISCHARGE.**

2 *Section 10312 of title 46, United States Code, is*
3 *amended to read as follows:*

4 **“§ 10312. Settlements on discharge**

5 *“When discharge and settlement are completed, the*
6 *master, individual in charge, or owner and each seaman*
7 *shall sign the agreement required by section 10302 of this*
8 *title.”.*

9 **SEC. 411. RECORDS OF SEAMEN.**

10 *Section 10320 of title 46, United States Code, is*
11 *amended to read as follows:*

12 **“§ 10320. Records of seamen**

13 *“The Secretary shall prescribe regulations requiring*
14 *vessel owners to maintain records of seamen on matters of*
15 *engagement, discharge, and service. A vessel owner shall*
16 *make these records available to the seaman and the Coast*
17 *Guard on request.”.*

18 **SEC. 412. GENERAL PENALTY.**

19 *Section 10321 of title 46, United States Code, is*
20 *amended to read as follows:*

21 **“§ 10321. General penalty**

22 *“(a) A person violating any provision of this chapter*
23 *or a regulation prescribed under this chapter is liable to*
24 *the United States Government for a civil penalty of not*
25 *more than \$5,000.*

1 “(b) The vessel is liable in rem for any penalty assessed
2 under this section.”.

3 **SEC. 413. SHIPPING ARTICLES AGREEMENTS.**

4 Section 10502 of title 46, United States Code, is
5 amended—

6 (1) by amending subsection (a) to read as fol-
7 lows:

8 “(a) The owner, charterer, managing operator, master,
9 or individual in charge shall make a shipping agreement
10 in writing with each seaman before the seaman commences
11 employment.”.

12 (2) by adding at the end the following new sub-
13 sections:

14 “(d) Each shipping agreement must be signed by the
15 master or individual in charge or a representative of the
16 owner, charterer, or managing operator, and by each sea-
17 man employed.

18 “(e) The owner, charterer, managing operator, master,
19 or individual in charge shall maintain the shipping agree-
20 ment and make the shipping agreement available to the sea-
21 man.

22 “(f) The Secretary shall prescribe regulations requir-
23 ing shipping companies to maintain records of seamen on
24 matters of engagement, discharge, and service. The shipping

1 *companies shall make these records available to the seaman*
2 *and the Coast Guard on request.”.*

3 **SEC. 414. ADVANCES.**

4 *Section 10505 of title 46, United States Code, is*
5 *amended—*

6 *(1) in subsection (a)(2), by striking “\$100” and*
7 *inserting in lieu thereof “\$5,000”; and*

8 *(2) in subsection (b), by striking “\$500” and in-*
9 *serting in lieu thereof “\$5,000”.*

10 **SEC. 415. DUTIES OF SHIPPING COMMISSIONERS.**

11 *(a) REPEAL.—Section 10507 of title 46, United States*
12 *Code, is repealed.*

13 *(b) CONFORMING AMENDMENT.—The analysis at the*
14 *beginning of chapter 105 of title 46, United States Code,*
15 *is amended by striking the item relating to section 10507.*

16 **SEC. 416. GENERAL PENALTIES.**

17 *Section 10508(b) is amended by striking “\$20” and*
18 *inserting in lieu thereof “not more than \$5,000”.*

19 **SEC. 417. GENERAL REPORT REQUIREMENT.**

20 *Section 10103(a) of title 46, United States Code, is*
21 *amended—*

22 *(1) by striking “without a shipping commis-*
23 *sioner being present”; and*

24 *(2) by inserting “to the vessel owner” imme-*
25 *diately after “shall submit reports”.*

1 **SEC. 418. PROCEDURES OF MASTERS REGARDING SEAMAN'S**
2 **EFFECTS.**

3 *Section 10703 of title 46, United States Code, is*
4 *amended—*

5 *(1) in subsection (a), by striking “by regulations*
6 *prescribed by the Secretary” and inserting in lieu*
7 *thereof “in section 10706 of this title”;*

8 *(2) in subsection (b), by striking “as prescribed*
9 *by regulations” and inserting in lieu thereof “to a*
10 *district court of the United States”; and*

11 *(3) in subsection (c), by striking “subsection (a)*
12 *of this section” and inserting in lieu thereof “section*
13 *10706 of this title”.*

14 **SEC. 419. SEAMEN DYING IN UNITED STATES.**

15 *Section 10706 of title 46, United States Code, is*
16 *amended by striking at the end “as provided by regulations*
17 *prescribed by the Secretary.” and inserting in lieu thereof*
18 *“to a district court of the United States within one week*
19 *of the seaman's death. If the seaman's death occurs at sea,*
20 *such money, property, or wages shall be delivered to a dis-*
21 *trict court or a consular officer within one week of the ves-*
22 *sel's arrival at the first port call after the seaman's death.”.*

23 **SEC. 420. DELIVERY TO DISTRICT COURT.**

24 *(a) REPEAL.—Section 10707 of title 46, United States*
25 *Code, is repealed.*

1 (b) *AMENDMENT TO CHAPTER ANALYSIS.*—*The analy-*
 2 *sis at the beginning of chapter 107 of title 46, United States*
 3 *Code, is amended by striking the item relating to section*
 4 *10707.*

5 **SEC. 421. DISPOSAL OF FORFEITURES.**

6 *Section 11505 of title 46, United States Code, is*
 7 *amended—*

8 (1) *in subsection (a), by striking the last sen-*
 9 *tence and inserting in lieu thereof “The balance shall*
 10 *be transferred to the appropriate district court of the*
 11 *United States when the voyage is completed.”; and*

12 (2) *in subsection (b), by striking the first sen-*
 13 *tence.*

14 **SEC. 422. CONFORMING AMENDMENTS.**

15 (a) *DUTIES OF MASTERS.*—*Section 10702(b) of title*
 16 *46, United States Code, is amended by striking “a shipping*
 17 *commissioner” and inserting in lieu thereof “the consular*
 18 *officer or court clerk”.*

19 (b) *COMPLAINTS OF UNFITNESS.*—*Section 10902(b) of*
 20 *title 46, United States Code, is amended—*

21 (1) *in paragraph (1)—*

22 (A) *by inserting “Secretary,” immediately*
 23 *after “The complaint may be made to the”;*

24 (B) *by striking “Coast Guard shipping*
 25 *commissioner,”; and*

1 (2) in paragraphs (2) and (3), by striking “The
2 officer, commissioner,” each place it appears and in-
3 serting in lieu thereof “The Secretary, officer,”.

4 (c) *SHIPPING COMMISSIONER DESIGNATIONS AND DU-*
5 *TIES.*—(1) Section 10102 of title 46, United States Code,
6 is repealed.

7 (2) The analysis at the beginning of chapter 101 is
8 amended by striking the item relating to section 10102.

9 ***TITLE V—PASSENGER VESSEL SAFETY***

10 ***SEC. 501. SHORT TITLE.***

11 This title may be cited as the “Passenger Vessel Safety
12 Act of 1993”.

13 ***SEC. 502. PASSENGER.***

14 Section 2101(21) of title 46, United States Code, is
15 amended to read as follows:

16 “(21) ‘passenger’—

17 “(A) means an individual carried on the
18 vessel except—

19 “(i) the owner or an individual rep-
20 resentative of the owner or, in the case of a
21 vessel under charter, an individual
22 charterer or individual representative of the
23 charterer;

24 “(ii) the master; or

1 “(iii) a member of the crew engaged in
2 the business of the vessel who has not con-
3 tributed consideration for carriage and who
4 is paid for on board services.

5 “(B) on an offshore supply vessel, means an
6 individual carried on the vessel except—

7 “(i) an individual included in clause
8 (i), (ii), or (iii) of subparagraph (A) of this
9 paragraph;

10 “(ii) an employee of the owner, or of a
11 subcontractor to the owner, engaged in the
12 business of the owner;

13 “(iii) an employee of the charterer, or
14 of a subcontractor to the charterer, engaged
15 in the business of the charterer; or

16 “(iv) an individual employed in a
17 phase of exploration, exploitation, or pro-
18 duction of offshore mineral or energy re-
19 sources served by the vessel.

20 “(C) on fishing vessel, fish processing vessel,
21 or fish tender vessel, means an individual car-
22 ried on the vessel except—

23 “(i) an individual included in clause
24 (i), (ii), or (iii) of subparagraph (A) of this
25 paragraph;

1 “(ii) a managing operator;

2 “(iii) an employee of the owner, or of
3 a subcontractor to the owner, engaged in the
4 business of the owner;

5 “(iv) an employee of the charterer, or
6 of a subcontractor to the charterer, engaged
7 in the business of the charterer; or

8 “(v) an observer or sea sampler on
9 board the vessel pursuant to a requirement
10 of State or Federal law.

11 “(D) on a sailing school vessel, means an
12 individual carried on the vessel except—

13 “(i) an individual included in clause
14 (i), (ii), or (iii) of subparagraph (A) of this
15 paragraph;

16 “(ii) an employee of the owner of the
17 vessel engaged in the business of the owner,
18 except when the vessel is operating under a
19 demise charter;

20 “(iii) an employee of the demise
21 charterer of the vessel engaged in the busi-
22 ness of the demise charterer; or

23 “(iv) a sailing school instructor or
24 sailing school student.”.

1 **SEC. 503. PASSENGER VESSEL.**

2 *Section 2101(22) of title 46, United States Code, is*
3 *amended to read as follows:*

4 *“(22) ‘passenger vessel’ means vessel of at least*
5 *100 gross tons—*

6 *“(A) carrying more than 12 passengers, in-*
7 *cluding at least one passenger for hire;*

8 *“(B) that is chartered and carrying more*
9 *than 12 passengers; or*

10 *“(C) that is a submersible vessel carrying at*
11 *least one passenger for hire.”.*

12 **SEC. 504. SMALL PASSENGER VESSEL.**

13 *Section 2101(35) of title 46, United States Code, is*
14 *amended to read as follows:*

15 *“(35) ‘small passenger vessel’ means a vessel of*
16 *less than 100 gross tons—*

17 *“(A) carrying more than 6 passengers, in-*
18 *cluding at least one passenger for hire;*

19 *“(B) that is chartered with the crew pro-*
20 *vided or specified by the owner or the owner’s*
21 *representative and carrying more than 6 pas-*
22 *sengers;*

23 *“(C) that is chartered with no crew pro-*
24 *vided or specified by the owner or the owner’s*
25 *representative and carrying more than 12 pas-*
26 *sengers; or*

1 “(D) that is a submersible vessel carrying
2 at least one passenger for hire.”.

3 **SEC. 505. UNINSPECTED PASSENGER VESSEL.**

4 Section 2101(42) of title 46, United States Code, is
5 amended to read as follows:

6 “(42) ‘uninspected passenger vessel’ means an
7 uninspected vessel—

8 “(A) of at least 100 gross tons—

9 “(i) carrying not more than 12 pas-
10 sengers, including at least one passenger for
11 hire; or

12 “(ii) that is chartered with the crew
13 provided or specified by the owner or the
14 owner’s representative and carrying not
15 more than 12 passengers; and

16 “(B) of less than 100 gross tons—

17 “(i) carrying not more than 6 pas-
18 sengers, including at least one passenger for
19 hire; or

20 “(ii) that is chartered with the crew
21 provided or specified by the owner or the
22 owner’s representative and carrying not
23 more than 6 passengers.”.

1 **SEC. 506. PASSENGER FOR HIRE.**

2 *Section 2101 of title 46, United States Code, is amend-*
3 *ed by inserting between paragraphs (21) and (22) a new*
4 *paragraph (21a) to read as follows:*

5 *“(21a) ‘passenger for hire’ means a passenger for*
6 *whom consideration is contributed as a condition of*
7 *carriage on the vessel, whether directly or indirectly*
8 *flowing to the owner, charterer, operator, agent, or*
9 *any other person having an interest in the vessel.”.*

10 **SEC. 507. CONSIDERATION.**

11 *Section 2101 of title 46, United States Code, is amend-*
12 *ed by inserting between paragraphs (5) and (6) a new para-*
13 *graph (5a) to read as follows:*

14 *“(5a) ‘consideration’ means an economic benefit,*
15 *inducement, right, or profit including pecuniary pay-*
16 *ment accruing to an individual, person, or entity, but*
17 *not including a voluntary sharing of the actual ex-*
18 *penses of the voyage, by monetary contribution or do-*
19 *nation of fuel, food, beverage, or other supplies.”.*

20 **SEC. 508. OFFSHORE SUPPLY VESSEL.**

21 *Section 2101(19) of title 46, United States Code, is*
22 *amended by inserting “individuals in addition to the*
23 *crew,” immediately after “supplies,” and by striking every-*
24 *thing after “resources” to the period at the end.*

1 **SEC. 509. SAILING SCHOOL VESSEL.**

2 Section 2101(30) of title 46, United States Code, is
3 amended in subparagraph (B) by striking “at least 6” and
4 substituting “more than 6”.

5 **SEC. 510. SUBMERSIBLE VESSEL.**

6 Section 2101 of title 46, United States Code, is amend-
7 ed by inserting between paragraphs (37) and (38) a new
8 paragraph (37a) to read as follows:

9 “(37a) ‘submersible vessel’ means a vessel that is
10 capable of operating below the surface of the water.”.

11 **SEC. 511. GENERAL PROVISION.**

12 (a) Section 2113 of title 46, United States Code, is
13 amended to read as follows:

14 **“§2113. Authority to exempt certain vessels**

15 “If the Secretary decides that the application of a pro-
16 vision of part B, C, F, or G of this subtitle is not necessary
17 in performing the mission of the vessel engaged in excur-
18 sions or an oceanographic research vessel, or not necessary
19 for the safe operation of certain vessels carrying passengers,
20 the Secretary by regulation may—

21 “(1) for a vessel, issue a special permit specify-
22 ing the conditions of operation and equipment;

23 “(2) exempt an oceanographic research vessel
24 from that provision under conditions the Secretary
25 may specify;

1 “(3) establish different operating and equipment
2 requirements for vessels defined in section
3 2101(42)(A) of this title;

4 “(4) establish different structural fire protection,
5 manning, operating, and equipment requirements for
6 vessels of at least 100 gross tons but less than 300
7 gross tons carrying not more than 150 passengers on
8 domestic voyages if the owner of the vessel—

9 “(A) makes application for inspection to the
10 Coast Guard within 6 months of the date of en-
11 actment of the Passenger Vessel Safety Act of
12 1993; and

13 “(B) provides satisfactory documentation
14 that the vessel was chartered at least once within
15 the previous 12 months prior to the date of en-
16 actment of that Act; and

17 “(5) establish different structural fire protection,
18 manning, operating, and equipment requirements for
19 former public vessels of the United States of at least
20 100 gross tons but less than 500 gross tons, carrying
21 not more than 150 passengers on domestic voyages, if
22 the owner of the vessel—

23 “(A) makes application for inspection to the
24 Coast Guard within 6 months of the date of en-

1 *actment of the Passenger Vessel Safety Act of*
2 *1993; and*

3 *“(B) provides satisfactory documentation*
4 *that the vessel was chartered at least once within*
5 *the previous 12 months prior to the date of en-*
6 *actment of that Act.”.*

7 *(b) Section 4105 of title 46, United States Code, is*
8 *amended—*

9 *(1) by inserting “(a)” before the text; and*

10 *(2) by adding a new subsection (b) to read as*
11 *follows:*

12 *“(b) Within twenty-four months of the date of enact-*
13 *ment of this subsection, the Secretary shall, by regulation,*
14 *require certain additional equipment which may include*
15 *liferafts or other lifesaving equipment, construction stand-*
16 *ards, or specify additional operating standards for those*
17 *uninspected passenger vessels defined in section*
18 *2101(42)(A) of this title.”.*

19 **SEC. 512. EQUIPMENT AND STANDARDS FOR CERTAIN PAS-**
20 **SENGER VESSELS.**

21 *(a) Section 3306 of title 46, United States Code, is*
22 *amended by adding at the end of the following new sub-*
23 *sections:*

24 *“(h) The Secretary shall establish appropriate struc-*
25 *tural fire protection, manning, operating, and equipment*

1 *requirements for vessels of at least 100 gross tons but less*
2 *than 300 gross tons carrying not more than 150 passengers*
3 *on domestic voyages, which meet the eligibility criteria of*
4 *section 2113(4) of this title.*

5 “(i) *The Secretary shall establish appropriate struc-*
6 *tural fire protection, manning, operating, and equipment*
7 *requirements for former public vessels of the United States*
8 *of at least 100 gross tons but less than 500 gross tons carry-*
9 *ing not more than 150 passengers on domestic voyages,*
10 *which meet the eligibility criteria of section 2113(5) of this*
11 *title.”.*

12 (b) *The Secretary of Transportation shall, within*
13 *twenty-four months of the date of enactment of this Act,*
14 *prescribe regulations establishing the structural fire protec-*
15 *tion, manning, operating, and equipment requirements for*
16 *vessels which meet the requirements of subsections (h) and*
17 *(i) of section 3306 of title 46, United States Code, as*
18 *amended by this Act.*

19 (c) *Before the Secretary of Transportation prescribes*
20 *regulations under subsections (h) and (i) of section 3306*
21 *of title 46, United States Code, as amended by this Act,*
22 *the Secretary may prescribe the route, service, manning,*
23 *and equipment for those vessels based on existing passenger*
24 *vessel and small passenger vessel regulations.*

1 **SEC. 513. APPLICABILITY DATE FOR REVISED REGULA-**
2 **TIONS.**

3 (a) *APPLICABILITY DATE FOR CERTAIN CHARTERED*
4 *VESSELS.*—Revised regulations governing small passenger
5 vessels and passenger vessels (as the definitions of those
6 terms in section 2101 of title 46, United States Code, are
7 amended by this Act) shall not, before the date that is 6
8 months after the date of enactment of this Act apply to such
9 vessels when chartered with no crew provided.

10 (b) *EXTENSION OF PERIOD.*—The Secretary of the de-
11 partment in which the Coast Guard is operating shall ex-
12 tend for up to 30 additional months or until issuance of
13 a certificate of inspection, whichever occurs first, the period
14 of inapplicability specified in subsection (a) if the owner
15 of the vessel concerned carries out the provisions of sub-
16 section (c) to the satisfaction of the Secretary.

17 (c) *CONDITIONS FOR EXTENSION.*—To receive an ex-
18 tension authorized by subsection (b), the owner of the vessel
19 shall—

20 (1) make application for inspection with the
21 Coast Guard within 6 months after the date of enact-
22 ment of this Act;

23 (2) make the vessel available for examination by
24 the Coast Guard prior to the carriage of passengers;

25 (3)(A) correct especially any hazardous condi-
26 tions involving the vessel's structure, electrical system,

1 *and machinery installation, such as (i) grossly inad-*
2 *equately, missing, unsound, or severely deteriorated*
3 *frames or major structural members; (ii) wiring sys-*
4 *tems or electrical appliances without proper ground-*
5 *ing or overcurrent protection; and (iii) significant*
6 *fuel or exhaust system leaks;*

7 *(B) equip the vessel with lifesaving and fire*
8 *fighting equipment, or the portable equivalent, re-*
9 *quired for the route and number of persons carried;*
10 *and*

11 *(C) verify through stability tests, calculations, or*
12 *other practical means (which may include a history*
13 *of safe operations) that the vessel's stability is satis-*
14 *factory for the size, route, and number of passengers;*
15 *and*

16 *(4) develop a work plan approved by the Coast*
17 *Guard to complete in a good faith effort all require-*
18 *ments necessary for issuance of a certificate of inspec-*
19 *tion as soon as practicable.*

20 *(d) OPERATION OF VESSEL DURING EXTENSION PE-*
21 *RIOD.—The owner of a vessel receiving an extension under*
22 *this section shall operate the vessel under the conditions of*
23 *route, service, number of passengers, manning, and equip-*
24 *ment as may be prescribed by the Coast Guard for the exten-*
25 *sion period.*

1 *TITLE VI—DOCUMENTATION OF VESSELS*

2 ***SEC. 601. DOCUMENTATION OF VESSELS.***

3 *(a) Notwithstanding section 27 of the Merchant Ma-*
4 *rine Act, 1920 (46 App. U.S.C. 883), the Act of June 19,*
5 *1886 (46 App. U.S.C. 289), and section 12106 of title 46,*
6 *United States Code, the Secretary of Transportation may*
7 *issue certificates of documentation with a coastwise endorse-*
8 *ment for the following vessels:*

9 *(1) ABORIGINAL (United States official num-*
10 *ber 942118).*

11 *(2) AFTERSAIL (United States official number*
12 *689427).*

13 *(3) ALEXANDRIA (United States official num-*
14 *ber 586490).*

15 *(4) AMANDA (Michigan registration number*
16 *MC-1125-FR).*

17 *(5) ARBITRAGE II (United States official*
18 *number 962861).*

19 *(6) ARIEL (United States official number*
20 *954762).*

21 *(7) BRANDARIS (former United States official*
22 *number 263174).*

23 *(8) COMPASS ROSE (United States official*
24 *number 695865).*

1 (9) *DIXIE* (United States official number
2 513159).

3 (10) *ELISSA* (United States official number
4 697285).

5 (11) *EMERALD PRINCESS* (former United
6 States official number 530095).

7 (12) *ENTERPRISE* (United States official
8 number 692956).

9 (13) *EUROPA STAR* (former United States offi-
10 cial number 588270).

11 (14) *EUROPA SUN* (former United States offi-
12 cial number 596656).

13 (15) *GAZELA OF PHILADELPHIA* (Penn-
14 sylvania registration number PA-4339-AF).

15 (16) *GUSTO* (United States official number
16 624951).

17 (17) *GRAY* (Connecticut registration number
18 CT-5944-AJ).

19 (18) *GRIZZLY PROCESSOR* (Canadian offi-
20 cial number 369183).

21 (19) *GYPSY COWBOY* (United States official
22 number 550771).

23 (20) *IMPATIENT LADY* (United States official
24 number 553952).

1 (21) *INTREPID DRAGON II* (United States of-
2 ficial number 548109).

3 (22) *ISLAND GIRL* (United States official
4 number 674840).

5 (23) *JULIET* (Michigan registration number
6 MC-1669-LM).

7 (24) *KALENA* (Hawaii registration number
8 HA-1923-E).

9 (25) *LAURISA* (United States official number
10 924052).

11 (26) *LIBBY ROSE* (United States official num-
12 ber 236976).

13 (27) *LISERON* (United States official number
14 971339).

15 (28) *MARINE STAR* (United States official
16 number 248329).

17 (29) *MARINER* (United States official number
18 285452).

19 (30) *MARY B* (Kentucky registration number
20 KY-0098-HX).

21 (31) *MOONSHINE* (United States official num-
22 ber 974226).

23 (32) *MYSTIQUE* (United States official number
24 921194).

1 (33) *NORTHERN LIGHT* (United States offi-
2 cial number 237510).

3 (34) *PAI NUI* (Hawaii registration number
4 HA-6949-D).

5 (35) *PANDACEA* (United States official number
6 665892).

7 (36) *PELICAN* (United States official number
8 234959).

9 (37) *PLAY PRETTY* (United States official
10 number 975346).

11 (38) *PRINCE OF TIDES II* (United States offi-
12 cial number 903858).

13 (39) *RANGOON RUBY* (Hawaii registration
14 number HA-5636-B).

15 (40) *RBOAT* (United States official number
16 563955).

17 (41) *SABLE* (Massachusetts registration number
18 MS-1841-AM).

19 (42) *SERENA* (United States official number
20 965317).

21 (43) *SHILOH* (United States official number
22 902675).

23 (44) *SIDEWINDER* (United States official
24 number 991719).

1 (45) *SWELL DANCER* (United States official
2 number 622046).

3 (46) *TESSA* (United States official number
4 675130).

5 (47) *TOP DUCK* (United States official number
6 990973).

7 (48) *VIKING* (United States official number
8 286080).

9 (49) *WHIT CON TIKI* (United States official
10 number 663823).

11 (b) Notwithstanding section 27 of the Merchant Marine
12 Act, 1920 (46 App. U.S.C. 883) or any other law restricting
13 a foreign-flag vessel from operating in the coastwise trade,
14 the foreign-flag vessel *H851* may engage in the coastwise
15 trade to transport an offshore drilling platform jacket from
16 a place near Aransas Pass, Texas, to a site on the Outer
17 Continental Shelf known as Viosca Knoll 989.

18 (c) Notwithstanding section 27 of the Merchant Marine
19 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886
20 (46 App. U.S.C. 289), and sections 12106 and 12107 of title
21 46, United States Code, the Secretary of Transportation
22 may issue certificates of documentation with a coastwise
23 and Great Lakes endorsement for the vessels *LADY CHARL*
24 *II* (United States official number 541399) and *LINETTE*
25 (United States official number 654318).

1 (d) *Notwithstanding section 27 of the Merchant Ma-*
2 *rine Act, 1920 (46 App. U.S.C. 883), the Act of June 19,*
3 *1886 (46 App. U.S.C. 289), and section 12106 of title 46,*
4 *United States Code, the Secretary of Transportation may*
5 *issue a certificate of documentation with a coastwise en-*
6 *dorsement for the vessel M/V TWIN DRILL (Panama offi-*
7 *cial number 8536-PEXT-2) if—*

8 (1) *the vessel undergoes a major conversion (as*
9 *defined in section 2101 of title 46, United States*
10 *Code) in a United States shipyard;*

11 (2) *the cost of the major conversion is more than*
12 *three times the purchase value of the vessel before the*
13 *major conversion;*

14 (3) *the major conversion is completed and the*
15 *vessel is documented under chapter 121 of title 46,*
16 *United States Code, with a coastwise endorsement be-*
17 *fore June 30, 1995;*

18 (4) *the person documenting the vessel contracts*
19 *with a United States shipyard to construct an addi-*
20 *tional vessel of equal or greater capacity within 12*
21 *months of the date of enactment of this Act, for deliv-*
22 *ery within 36 months of the date of such contract;*

23 (5) *the additional vessel is documented under*
24 *chapter 121 of title 46, United States Code imme-*
25 *diately after it is constructed.*

1 (e) Notwithstanding sections 12106 and 12108 of title
2 46, United States Code, the act of June 19, 1886 (46 App.
3 U.S.C. 289), and section 27 of the Merchant Marine Act,
4 1920 (46 App. U.S.C. 883), the Secretary of Transportation
5 may issue a certificate of documentation with a coastwise
6 and fishery endorsement for the vessel REEL CLASS (Ha-
7 waii registration number HA-6566-E).

8 (f) Notwithstanding section 12108 of title 46, United
9 States Code, the Secretary of Transportation may issue a
10 certificate of documentation with a fishery endorsement for
11 the vessel DA WARRIOR (United States official number
12 962231).

13 (g) Notwithstanding any other law or any agreement
14 with the United States Government, the vessels UST AT-
15 LANTIC (United States official number 601437) and UST
16 PACIFIC (United States official number 613131) may be
17 sold to a person that is not a citizen of the United States
18 and transferred to or placed under a foreign registry.

19 (h) Notwithstanding any other law, the vessel AMY
20 CHOUEST (United States official number 995631) is
21 deemed to be less than 500 gross tons, as measured under
22 chapter 145 of title 46, United States Code, for purposes
23 of the maritime laws of the United States.

24 (i) Notwithstanding section 27 of the Merchant Marine
25 Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886

1 (46 App. U.S.C. 289), and section 12106 of title 46, United
2 States Code, the Secretary of Transportation may issue a
3 certificate of documentation for the following vessels:

4 (1) *PRINCESS XANADU OF MONACO* (Unit-
5 ed States official number 660847).

6 (2) *INSPIRATION* (United States official num-
7 ber 277099).

8 (3) *VENUS* (United States official number
9 547419).

10 (4) *LATER* (United States official number
11 615732).

12 (5) *MATCH MAKER* (United States official
13 number 908725).

14 ***TITLE VII—MISCELLANEOUS FISHERY***
15 ***PROVISIONS***

16 ***SEC. 701. GOVERNING INTERNATIONAL FISHERIES AGREE-***
17 ***MENT.***

18 *The Agreement between the Government of the United*
19 *States of America and the Government of the Russian Fed-*
20 *eration on Mutual Fisheries Relations which was entered*
21 *into on May 31, 1988, and which expired by its terms on*
22 *October 28, 1993, may be brought into force again for the*
23 *United States through an exchange of notes between the*
24 *United States of America and the Russian Federation and*
25 *may remain in force and effect on the part of the United*

1 *States until May 1, 1994, and may be amended or extended*
2 *by a subsequent agreement to which section 203 of the Mag-*
3 *nuson Fishery Conservation and Management Act (16*
4 *U.S.C. 1823) applies.*

5 **SEC. 702. SHRIMP TRAWL FISHERY.**

6 *Section 304(g)(6)(B) of the Magnuson Fishery Con-*
7 *servation and Management Act (16 U.S.C. 1854(g)(6)(B))*
8 *is amended by striking “January 1, 1994” and inserting*
9 *“April 1, 1994”.*

10 **SEC. 703. INTERNATIONAL FISHERY CONSERVATION IN THE**
11 **CENTRAL BERING SEA.**

12 *It is the sense of the Congress that—*

13 *(1) the United States should take appropriate*
14 *measures to conserve the resources of the Doughnut*
15 *Hole, a small enclave of international waters in the*
16 *central Bering Sea, encircled by the Exclusive Eco-*
17 *nomic Zones of the United States and the Russian*
18 *Federation;*

19 *(2) the United States should continue its pursuit*
20 *of an international agreement, consistent with its*
21 *rights as a coastal state, to ensure proper manage-*
22 *ment for future commercial viability of these natural*
23 *resources;*

24 *(3) the United States, working closely with the*
25 *Russian Federation should, in accordance with inter-*

1 *national law and through multilateral consultations*
2 *or through other means, promote effective inter-*
3 *national programs for the implementation and en-*
4 *forcement of regulations of the fisheries by those na-*
5 *tions that fish in the Doughnut Hole;*

6 *(4) the United States nonetheless should be*
7 *mindful of its management responsibility in this re-*
8 *gard and of its rights in accordance with inter-*
9 *national law to fully utilize the stock within its own*
10 *exclusive economic zone;*

11 *(5) the United States should accept as an urgent*
12 *duty the need to conserve for future generations the*
13 *Aleutian Basin pollock stock and should carry out*
14 *that duty by taking all necessary measures, in accord-*
15 *ance with international law; and*

16 *(6) the United States should foster further multi-*
17 *lateral cooperation leading to international consensus*
18 *on management of the Donut Hole resources through*
19 *the fullest use of diplomatic channels and appropriate*
20 *domestic and international law and should explore all*
21 *other available options and means for conservation*
22 *and management of these living marine resources.*

23 **SEC. 704. NOAA FACILITIES IN KODIAK.**

24 *(a) Notwithstanding any other provision of law, the*
25 *Secretary of Commerce may enter into an agreement with*

1 *the University of Alaska under the University may contract*
 2 *for the engineering and design specifications of a facility*
 3 *on Near Island in Kodiak, Alaska, that meets the long-term*
 4 *space needs of National Oceanic and Atmospheric Adminis-*
 5 *tration personnel currently located in Alaska.*

6 *(b) The Secretary may transfer available funds to the*
 7 *University of Alaska to pay for such engineering and design*
 8 *work if additional funds in an equal or greater amount*
 9 *are made available from non-federal sources for such work.*

10 ***TITLE VIII—ATLANTIC COASTAL***
 11 ***FISHERIES***

12 ***SEC. 801. SHORT TITLE.***

13 *This title may be cited as the “Atlantic Coastal Fish-*
 14 *eries Cooperative Management Act”.*

15 ***SEC. 802. FINDINGS AND PURPOSE.***

16 *(a) FINDINGS.—The Congress finds the following:*

17 *(1) Coastal fishery resources that migrate, or are*
 18 *widely distributed, across the jurisdictional bound-*
 19 *aries of two or more of the Atlantic States and of the*
 20 *Federal Government are of substantial commercial*
 21 *and recreational importance and economic benefit to*
 22 *the Atlantic Coastal region and the Nation.*

23 *(2) Increased fishing pressure, environmental*
 24 *pollution and the loss and alteration of habitat have*

1 *reduced severely certain Atlantic Coastal fishery re-*
2 *sources.*

3 (3) *Because no single governmental entity has*
4 *exclusive management authority for Atlantic coastal*
5 *fishery resources, harvesting of such resources is fre-*
6 *quently subject to disparate, inconsistent, and inter-*
7 *mittent State and Federal regulation that has been*
8 *detrimental to the conservation and sustainable use of*
9 *such resources and to the interests of fishermen and*
10 *the Nation as a whole.*

11 (4) *The responsibility for managing Atlantic*
12 *coastal fisheries rests with the States, which carry out*
13 *a cooperative program of fishery oversight and man-*
14 *agement through the Atlantic States Marine Fisheries*
15 *Commission. It is the responsibility of the Federal*
16 *Government to support such cooperative interstate*
17 *management of coastal fishery resources.*

18 (5) *The failure by one or more Atlantic States*
19 *to fully implement a coastal fishery management plan*
20 *can affect the status of Atlantic coastal fisheries, and*
21 *can discourage other States from fully implementing*
22 *coastal fishery management plans.*

23 (6) *It is in the national interest to provide for*
24 *more effective Atlantic State fishery resource con-*
25 *servation and management.*

1 (b) *PURPOSE.*—*The purpose of this title is to support*
2 *and encourage the development, implementation, and en-*
3 *forcement of effective interstate conservation and manage-*
4 *ment of Atlantic coastal fishery resources.*

5 ***SEC. 803. DEFINITIONS.***

6 *In this title, the following definitions apply:*

7 (1) *The term “coastal fishery management plan”*
8 *means a plan for managing a coastal fishery resource,*
9 *or an amendment to such plan, prepared and adopted*
10 *by the Commission, that—*

11 (A) *contains information regarding the sta-*
12 *tus of the resource and related fisheries;*

13 (B) *specifies conservation and management*
14 *actions to be taken by the States; and*

15 (C) *recommends actions to be taken by the*
16 *Secretary in the exclusive economic zone to con-*
17 *serve and manage the fishery.*

18 (2) *The term “coastal fishery resource” means*
19 *any fishery, any species of fish, or any stock of fish*
20 *that moves among, or is broadly distributed across,*
21 *waters under the jurisdiction of two or more States*
22 *or waters under the jurisdiction of one or more States*
23 *and the exclusive economic zone.*

24 (3) *The term “Commission” means the Atlantic*
25 *States Marine Fisheries Commission established*

1 *under the interstate compact consented to and ap-*
2 *proved by the Congress in Public Laws 77–539 and*
3 *81–721.*

4 (4) *The term “conservation” means the restoring,*
5 *rebuilding, and maintaining of any coastal fishery*
6 *resource and the marine environment, in order to as-*
7 *sure the availability of coastal fishery resources on a*
8 *long-term basis.*

9 (5) *The term “Councils” means Regional Fishery*
10 *Management Councils established under section 302 of*
11 *the Magnuson Fishery Conservation and Management*
12 *Act (16 U.S.C. 1852).*

13 (6) *The term “exclusive economic zone” means*
14 *the exclusive economic zone of the United States estab-*
15 *lished by Proclamation Number 5030, dated March*
16 *10, 1983. For the purposes of this title, the inner*
17 *boundary of that zone is a line coterminous with the*
18 *seaward boundary of each of the coastal States, and*
19 *the outer boundary of that zone is a line drawn in*
20 *such manner that each point on its is 200 nautical*
21 *miles from the baseline from which the territorial sea*
22 *is measured.*

23 (7) *The term “fish” means finfish, mollusks,*
24 *crustaceans, and all other forms of marine animal life*
25 *other than marine mammals and birds.*

1 (8) *The term “fishery” means—*

2 (A) *one or more stocks of fish that can be*
3 *treated as a unit for purposes of conservation*
4 *and management and that are identified on the*
5 *basis of geographical, scientific, technical, com-*
6 *mercial, recreational, or economic characteris-*
7 *tics; or*

8 (B) *any fishing for such stocks.*

9 (9) *The term “fishing” means—*

10 (A) *the catching, taking, or harvesting of*
11 *fish;*

12 (B) *the attempted catching, taking, or har-*
13 *vesting of fish;*

14 (C) *any other activity that can be reason-*
15 *ably expected to result in the catching, taking, or*
16 *harvesting of fish; or*

17 (D) *any operations at sea in support of, or*
18 *in preparation for, any activity described in*
19 *subparagraphs (A) through (C).*

20 *Such term does not include any scientific research ac-*
21 *tivity or the catching, taking, or harvesting of fish in*
22 *an aquaculture operation.*

23 (10) *The term “implement and enforce” means*
24 *to enact and implement laws or regulations as re-*
25 *quired to conform with the provisions of a coastal*

11 (12) The term “Secretary” means the Secretary
12 of Commerce.

19 *SEC. 804. STATE-FEDERAL COOPERATION IN ATLANTIC*
20 *COASTAL FISHERY MANAGEMENT.*

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1 *support and enhance State cooperation in collection, man-*
2 *agement, and analysis of fishery data; law enforcement;*
3 *habitat conservation; fishery research, including biological*
4 *and socioeconomic research; and fishery management plan-*
5 *ning.*

6 (b) *FEDERAL REGULATION IN EXCLUSIVE ECONOMIC*
7 *ZONE.—(1) In the absence of an approved and implemented*
8 *fishery management plan under the Magnuson Fishery*
9 *Conservation and Management Act (16 U.S.C. 1801 et seq.),*
10 *and after consultation with the appropriate Councils, the*
11 *Secretary may implement regulations to govern fishing in*
12 *the exclusive economic zone that are—*

13 (A) *necessary to support the effective imple-*
14 *mentation of a coastal fishery management plan;*
15 *and*

16 (B) *consistent with the national standards*
17 *set forth in section 301 of the Magnuson Fishery*
18 *Conservation and Management Act (16 U.S.C.*
19 *1851).*

20 *The regulations may include measures recommended by the*
21 *Commission to the Secretary that are necessary to support*
22 *the provisions of the coastal fishery management plan. Reg-*
23 *ulations issued by the Secretary to implement an approved*
24 *fishery management plan prepared by the appropriate*
25 *Councils or the Secretary under the Magnuson Fishery Con-*

1 *ervation and Management Act (16 U.S.C. 1801 et seq.)*
2 *shall supersede any conflicting regulations issued by the*
3 *Secretary under this subsection.*

4 *(2) The provisions of sections 307, 308, 309, 310, and*
5 *311 of the Magnuson Fishery Conservation and Manage-*
6 *ment Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861)*
7 *regarding prohibited acts, civil penalties, criminal offenses,*
8 *civil forfeitures, and enforcement shall apply with respect*
9 *to regulations issued under this subsection as if such regula-*
10 *tions were issued under the Magnuson Fishery Conservation*
11 *and Management Act (16 U.S.C. 1801 et seq.).*

12 **SEC. 805. STATE IMPLEMENTATION OF COASTAL FISHERY**
13 **MANAGEMENT PLANS.**

14 *(a) COASTAL FISHERY MANAGEMENT PLANS.—(1) The*
15 *Commission shall prepare and adopt coastal fishery man-*
16 *agement plans to provide for the conservation of coastal*
17 *fishery resources. In preparing a coastal fishery manage-*
18 *ment plan for a fishery that is located in both State waters*
19 *and the exclusive economic zone, the Commission shall con-*
20 *sult with appropriate Councils to determine areas where*
21 *such coastal fishery management plan may complement*
22 *Council fishery management plans. The coastal fishery*
23 *management plan shall specify the requirements necessary*
24 *for States to be in compliance with the plan. Upon adoption*
25 *of a coastal fishery management plan, the Commission shall*

1 *identify each State that is required to implement and en-*
2 *force that plan.*

3 *(2) Within 1 year after the date of enactment of this*
4 *Act, the Commission shall establish standards and proce-*
5 *dures to govern the preparation of coastal fishery manage-*
6 *ment plans under this title, including standards and proce-*
7 *dures to ensure that—*

8 *(A) such plans promote the conservation of fish*
9 *stocks throughout their ranges and are based on the*
10 *best scientific information available; and*

11 *(B) the Commission provides adequate oppor-*
12 *tunity for public participation in the plan prepara-*
13 *tion process, including at least four public hearings*
14 *and procedures for the submission of written com-*
15 *ments to the Commission.*

16 *(b) STATE IMPLEMENTATION AND ENFORCEMENT.—*

17 *(1) Each State identified under subsection (a) with respect*
18 *to a coastal fishery management plan shall implement and*
19 *enforce the measures of such plan within the time frame*
20 *established in the plan.*

21 *(2) Within 90 days after the date of enactment of this*
22 *Act, the Commission shall establish a schedule of time*
23 *frames within which States shall implement and enforce the*
24 *measures of coastal fishery management plans in existence*
25 *before such date of enactment. No such time frame shall ex-*

1 *ceed 12 months after the date on which the schedule is*
 2 *adopted.*

3 *(c) COMMISSION MONITORING OF STATE IMPLEMENTA-*
 4 *TION AND ENFORCEMENT.—The Commission shall, at least*
 5 *annually, review each State’s implementation and enforce-*
 6 *ment of coastal fishery management plans for the purpose*
 7 *of determining whether such State is effectively implement-*
 8 *ing and enforcing each such plan. Upon completion of such*
 9 *reviews, the Commission shall report the results of the re-*
 10 *views to the Secretaries.*

11 ***SEC. 806. STATE NONCOMPLIANCE WITH COASTAL FISHERY***
 12 ***MANAGEMENT PLANS.***

13 *(a) NONCOMPLIANCE DETERMINATION.—The Commis-*
 14 *sion shall determine that a State is not in compliance with*
 15 *the provisions of a coastal fishery management plan if it*
 16 *finds that the State has not implemented and enforced such*
 17 *plan within the time frames established under the plan or*
 18 *under section 805.*

19 *(b) NOTIFICATION.—Upon making any determination*
 20 *under subsection (a), the Commission shall within 10 work-*
 21 *ing days notify the Secretaries of such determination. Such*
 22 *notification shall include the reasons for making the deter-*
 23 *mination and an explicit list of actions that the affected*
 24 *State must take to comply with the coastal fishery manage-*

1 *ment plan. The Commission shall provide a copy of the no-*
 2 *tification to the affected State.*

3 (c) *WITHDRAWAL OF NONCOMPLIANCE DETERMINA-*
 4 *TION.—After making a determination under subsection (a),*
 5 *the Commission shall continue to monitor State implemen-*
 6 *tation and enforcement. Upon finding that a State has com-*
 7 *plied with the actions required under subsection (b), the*
 8 *Commission shall immediately withdraw its determination*
 9 *of noncompliance. The Commission shall promptly notify*
 10 *the Secretaries of such withdrawal.*

11 **SEC. 807. SECRETARIAL ACTION.**

12 (a) *SECRETARIAL REVIEW OF COMMISSION DETER-*
 13 *MINATION OF NONCOMPLIANCE.—Within 30 days after re-*
 14 *ceiving a notification from the Commission under section*
 15 *806(b) and after review of the Commission's determination*
 16 *of noncompliance, the Secretary shall make a finding on—*

17 (1) *whether the State in question has failed to*
 18 *carry out its responsibility under section 805; and*

19 (2) *if so, whether the measures that the State has*
 20 *failed to implement and enforce are necessary for the*
 21 *conservation of the fishery in question.*

22 (b) *CONSIDERATION OF COMMENTS.—In making a*
 23 *finding under subsection (a), the Secretary shall—*

24 (1) *give careful consideration to the comments of*
 25 *the State that the Commission has determined under*

1 *section 806(a) is not in compliance with a coastal*
2 *fishery management plan, and provide such State,*
3 *upon request, with the opportunity to meet with and*
4 *present its comments directly to the Secretary; and*

5 *(2) solicit and consider the comments of the*
6 *Commission and the appropriate Councils.*

7 *(c) MORATORIUM.—(1) Upon making a finding under*
8 *subsection (a) that a State has failed to carry out its re-*
9 *sponsibility under section 805 and that the measures it*
10 *failed to implement and enforce are necessary for conserva-*
11 *tion, the Secretary shall declare a moratorium on fishing*
12 *in the fishery in question within the waters of the non-*
13 *complying State. The Secretary shall specify the morato-*
14 *rium's effective date, which shall be any date within 6*
15 *months after declaration of the moratorium.*

16 *(2) If after a moratorium is declared under paragraph*
17 *(1) the Secretary is notified by the Commission that the*
18 *Commission is withdrawing under section 806(c) the deter-*
19 *mination of noncompliance, the Secretary shall imme-*
20 *diately determine whether the State is in compliance with*
21 *the applicable plan. If so, the moratorium shall be termi-*
22 *nated.*

23 *(d) IMPLEMENTING REGULATIONS.—The Secretary*
24 *may issue regulations necessary to implement this section.*
25 *Such regulations—*

1 (1) may provide for the possession and use of
2 fish which have been produced in an aquaculture op-
3 eration, subject to applicable State regulations; and

4 (2) shall allow for retention of fish that are sub-
5 ject to a moratorium declared under this section and
6 unavoidably taken as incidental catch in fisheries di-
7 rected toward menhaden if—

8 (A) discarding the retained fish is imprac-
9 ticable;

10 (B) the retained fish do not constitute a sig-
11 nificant portion of the catch of the vessel; and

12 (C) retention of the fish will not, in the
13 judgment of the Secretary, adversely affect the
14 conservation of the species of fish retained.

15 (e) *PROHIBITED ACTS DURING MORATORIUM.*—Dur-
16 ing the time in which a moratorium under this section is
17 in effect, it is unlawful for any person to—

18 (1) violate the terms of the moratorium or of any
19 implementing regulations issued under subsection (d);

20 (2) engage in fishing for any species of fish to
21 which the moratorium applies within the waters of
22 the State subject to the moratorium;

23 (3) land, attempt to land, or possess fish that are
24 caught, taken, or harvested in violation of the morato-

1 *rium or of any implementing regulation issued under*
2 *subsection (d);*

3 *(4) fail to return to the water immediately, with*
4 *a minimum of injury, any fish to which the morato-*
5 *rium applies that are taken incidental to fishing for*
6 *species other than those to which the moratorium ap-*
7 *plies, except as provided by regulations issued under*
8 *subsection (d);*

9 *(5) refuse to permit any officer authorized to en-*
10 *force the provisions of this title to board a fishing ves-*
11 *sel subject to such person's control for purposes of con-*
12 *ducting any search or inspection in connection with*
13 *the enforcement of this title;*

14 *(6) forcibly assault, resist, oppose, impede, in-*
15 *timidate, or interfere with any such authorized officer*
16 *in the conduct of any search or inspection under this*
17 *title;*

18 *(7) resist a lawful arrest for any act prohibited*
19 *by this section;*

20 *(8) ship, transport, offer for sale, sell, purchase,*
21 *import, or have custody, control, or possession of, any*
22 *fish taken or retained in violation of this title; or*

23 *(9) interfere with, delay, or prevent, by any*
24 *means, the apprehension or arrest of another person,*

1 *knowing that such other person has committed any*
2 *act prohibited by this section.*

3 *(f) CIVIL AND CRIMINAL PENALTIES.—(1) Any person*
4 *who commits any act that is unlawful under subsection (e)*
5 *shall be liable to the United States for a civil penalty as*
6 *provided by section 308 of the Magnuson Fishery Conserva-*
7 *tion and Management Act (16 U.S.C. 1858).*

8 *(2) Any person who commits an act prohibited by*
9 *paragraph (5), (6), (7), or (9) of subsection (e) is guilty*
10 *of an offense punishable as provided by section 309 (a)(1)*
11 *and (b) of the Magnuson Fishery Conservation and Man-*
12 *agement Act (16 U.S.C. 1859(a)(1) and (b)).*

13 *(g) CIVIL FORFEITURES.—(1) Any vessel including its*
14 *gear, equipment, appurtenances, stores, and cargo) used,*
15 *and any fish (or the fair market value thereof) taken or*
16 *retained, in any manner, in connection with, or as the re-*
17 *sult of, the commission of any act that is unlawful under*
18 *subsection (e), shall be subject to forfeiture to the United*
19 *States as provided in section 310 of the Magnuson Fishery*
20 *Conservation and Management Act (16 U.S.C. 1860).*

21 *(2) Any fish seized pursuant to this title may be dis-*
22 *posed of pursuant to the order of a court of competent juris-*
23 *isdiction or, if perishable, in a manner prescribed in regula-*
24 *tion.*

1 (h) *ENFORCEMENT.*—A person authorized by the Sec-
2 retary or the Secretary of the Department in which the
3 Coast Guard is operating may take any action to enforce
4 a moratorium declared under subsection (c) of this section
5 that an officer authorized by the Secretary under section
6 311(b) of the Magnuson Fishery Conservation and Manage-
7 ment Act (16 U.S.C. 1861(b)) may take to enforce that Act.
8 The Secretary may, by agreement, on a reimbursable basis
9 or otherwise, utilize the personnel, services, equipment (in-
10 cluding aircraft and vessels), and facilities of any other
11 Federal department or agency and of any agency of a State
12 in carrying out that enforcement.

13 **SEC. 808. FINANCIAL ASSISTANCE.**

14 The Secretary and the Secretary of the Interior may
15 provide financial assistance to the Commission and to the
16 States to carry out their respective responsibilities under
17 this title, including—

- 18 (1) the preparation, implementation, and en-
19 forcement of coastal fishery management plans; and
20 (2) State activities that are specifically required
21 within such plans.

22 **SEC. 809. AUTHORIZATION OF APPROPRIATIONS.**

23 To carry out the provisions of this title, there are au-
24 thorized to be appropriated \$3,000,000 for fiscal year 1994,

1 \$5,000,000 for fiscal year 1995, and \$7,000,000 for fiscal
2 year 1996.

3 **SEC. 810. ATLANTIC STRIPED BASS CONSERVATION ACT.**

4 Section 9 of the Atlantic Striped Bass Conservation
5 Act (16 U.S.C. 1851 note) is repealed.

6 **SEC. 811. INTERJURISDICTIONAL FISHERIES ACT OF 1986.**

7 Section 308(c) of the Interjurisdictional Fisheries Act
8 of 1986 (16 U.S.C. 4107(c)) is amended by inserting “, and
9 \$600,000 for each of the fiscal years 1994 and 1995,” imme-
10 diately after “and 1993”.

11 **TITLE IX—LIBERTY MEMORIAL**

12 **SEC. 901. SHORT TITLE.**

13 This title may be cited as the “Liberty Memorial Act
14 of 1993”.

15 **SEC. 902. CONVEYANCE VESSELS.**

16 (a) *AUTHORITY TO CONVEY.*—The Secretary of Trans-
17 portation may convey without consideration all right, title,
18 and interest of the United States in two vessels described
19 in subsection (b) to any nonprofit organization that oper-
20 ates and maintains a Liberty Ship or Victory Ship as a
21 memorial to merchant mariners.

22 (b) *VESSELS DESCRIBED.*—Vessels that may be con-
23 veyed under subsection (a) are vessel that—

24 (1) are in the National Defense Reserve Fleet on
25 the date of the enactment of this Act;

1 (2) are not less than 4,000 displacement tons;

2 (3) have no usefulness to the Government; and

3 (4) are scheduled to be scrapped.

4 (c) *CONDITIONS OF CONVEYANCE.*—As a condition of
5 conveying any vessel to an organization under subsection
6 (a), the Secretary of Transportation shall require that be-
7 fore the date of the conveyance, the organization shall enter
8 into an agreement under which the organization shall—

9 (1) sell the vessel for scrap purposes;

10 (2) use the proceeds of that scrapping for the
11 purpose of refurbishing and making seaworthy a Lib-
12 erty Ship or Victory Ship that the organization
13 maintains as a memorial to merchant mariners, to
14 enable the vessel to participate in 1994 in commemo-
15 rative activities in conjunction with the 50th anniver-
16 sary of the Normandy invasion; and

17 (3) return to the United States any proceeds of
18 scrapping carried out pursuant to paragraph (1) that
19 are not used in accordance with paragraph (2).

20 (d) *DEPOSIT OF AMOUNTS RETURNED.*—Amounts re-
21 turned to the United States pursuant to subsection (c)(3)
22 shall be deposited in the Vessel Operations Revolving Fund
23 established under the Act of June 2, 1951 (46 App. U.S.C.
24 1241a).

1 (e) *DELIVERY OF VESSELS.*—*The Secretary of Trans-*
 2 *portation shall deliver each vessel conveyed under this sec-*
 3 *tion—*

4 (1) *at the place where the vessel is located on the*
 5 *date of the approval of the conveyance by the Sec-*
 6 *retary of Transportation;*

7 (2) *in its condition on that date; and*

8 (3) *without cost to the Government.*

9 (f) *EXPIRATION OF AUTHORITY TO CONVEY.*—*The au-*
 10 *thority of the Secretary of Transportation under this section*
 11 *to convey vessels shall expire on the date that is 2 years*
 12 *after the date of enactment of this Act.*

Attest:

Secretary.

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